

the provisions hereof shall take effect at 12 o'clock post meridian, March 31, 1947.

(Mar. 31, 1947, ch. 26, § 9, 61 Stat. 33.)

**§ 330. Destruction of records; use of appropriations; procedures; transfers to other agencies**

Appropriations for the Selective Service System may on and after August 28, 1958, be used for the destruction of records accumulated under the Selective Training and Service Act of 1940, as amended [sections 301 to 318 of this Appendix], by the Director of Selective Service after compliance with the procedures for the destruction of records prescribed pursuant to the Records Disposal Act of 1943, as amended (44 U.S.C. 366–380): *Provided*, That no records may be transferred to any other agency without the approval of the Director of Selective Service.

(Pub. L. 85–844, title I, Aug. 28, 1958, 72 Stat. 1073.)

REFERENCES IN TEXT

The Records Disposal Act of 1943, as amended (44 U.S.C. 366–380), is act July 7, 1943, ch. 192, 57 Stat. 380, which enacted sections 366 to 380 of former Title 44, Public Printing and Documents. Sections 366 to 376, and 378 to 380 of former Title 44 were repealed by Pub. L. 90–620, § 3, Oct. 22, 1968, 82 Stat. 1306, and reenacted as sections 3301 to 3303 and 3304 to 3314, respectively, of Title 44, Public Printing and Documents. Sections 3304 to 3307 of Title 44 were repealed by Pub. L. 91–287, § 2(c), June 23, 1970, 84 Stat. 321. Section 377 of former Title 44 was also repealed by Pub. L. 90–620, § 3, Oct. 22, 1968, 82 Stat. 1306.

CODIFICATION

Section was enacted as part of Pub. L. 85–844, known as the Independent Offices Appropriation Act, 1959, and not as part of act Mar. 31, 1947, ch. 26, 61 Stat. 31, which comprises sections 321 to 329 of this Appendix.

PRIOR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 85–69, title I, June 29, 1957, 71 Stat. 235.  
June 27, 1956, ch. 452, title I, 70 Stat. 348.  
June 30, 1955, ch. 244, title I, 69 Stat. 209.  
June 24, 1954, ch. 359, title I, 68 Stat. 287.  
July 27, 1953, ch. 241, title I, 67 Stat. 189.  
July 5, 1952, ch. 578, title I, 66 Stat. 406.

**SERVICE EXTENSION ACT OF 1941**

ACT AUG. 18, 1941, CH. 362, 55 STAT. 626–628

**§§ 351 to 357. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641**

Section 351, act Aug. 18, 1941, ch. 362, § 1, 55 Stat. 626, related to the declaration of national peril for purposes of extending service under section 303(b) of this Appendix.

Section 352, act Aug. 18, 1941, ch. 362, § 2, 55 Stat. 626, authorized an eighteen-month extension of periods of service for persons inducted under the Selective Training and Service Act of 1940, sections 301 to 318 of this Appendix.

Section 353, act Aug. 18, 1941, ch. 362, § 3, 55 Stat. 626, extended time for application for National Service Life Insurance.

Section 354, act Aug. 18, 1941, ch. 362, § 4, 55 Stat. 627, related to release from service in hardship cases.

Section 355, act Aug. 18, 1941, ch. 362, amended section 303(c) of this Appendix.

Section 356, act Aug. 18, 1941, ch. 362, § 6, 55 Stat. 627, authorized President to order Regular Army retired

personnel to active duty. See section 471 of this Appendix.

Section 357, acts Aug. 18, 1941, ch. 362, § 7, 55 Stat. 627; Dec. 8, 1944, ch. 548, § 3, 58 Stat. 799; Aug. 9, 1946, ch. 936, 60 Stat. 971, related to reemployment rights. See section 459 of this Appendix.

**§ 358. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942**

Section, act Aug. 18, 1941, ch. 362, § 8, 55 Stat. 627, related to additional compensation for active service in excess of twelve months.

ADDITIONAL REPEAL

Section was also repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

**§§ 359 to 362. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641**

Section 359, acts Aug. 18, 1941, ch. 362, § 9, 55 Stat. 628; Aug. 7, 1946, ch. 770, § 1(58), 60 Stat. 871, suspended limitations on number of inductees.

Section 360, act Aug. 18, 1941, ch. 362, § 10, 55 Stat. 628, related to enlistments in Army without regard to component. See section 3252 of Title 10, Armed Forces.

Section 361, act Aug. 18, 1941, ch. 362, § 11, 55 Stat. 628, amended section 401 of this Appendix.

Section 362, act Aug. 18, 1941, ch. 362, § 12, 55 Stat. 628, gave short title of act.

**ARMY RESERVE AND RETIRED PERSONNEL SERVICE LAW OF 1940**

ACT AUG. 27, 1940, CH. 689, 54 STAT. 858

**§§ 401 to 405. Omitted**

CODIFICATION

Section 401, acts Aug. 27, 1940, ch. 689, § 1, 54 Stat. 858; Aug. 18, 1941, ch. 362, § 11, 55 Stat. 628, authorized for the period ending the later of June 30, 1942, or 6 months after the termination of the authority under section 352 of this Appendix the President to order reserve and retired personnel to active service. See section 471 of this Appendix.

Section 402, act Aug. 27, 1940, ch. 689, § 2, 54 Stat. 859, related to laws and regulations governing personnel called to active service.

Section 403, acts Aug. 27, 1940, ch. 689, § 3, 54 Stat. 859; Sept. 16, 1940, ch. 720, § 8(d), (f), 54 Stat. 891; July 28, 1942, ch. 529, § 1, 56 Stat. 723; Dec. 8, 1944, ch. 548, § 2, 58 Stat. 799, related to service and health certificates and reemployment rights. See section 459 of this Appendix.

Section 404, act Aug. 27, 1940, ch. 689, § 4, 54 Stat. 860, made applicable the Soldiers' and Sailors' Civil Relief Act and section 101 et seq. of this Appendix. See sections 464 and 501 et seq. of this Appendix.

Section 405, act Aug. 27, 1940, ch. 689, § 5, 54 Stat. 860, suspended all laws in conflict with sections 401 to 405 of this Appendix.

**PAY OF PERSONS INDUCTED IN ERRONEOUS RANK OR GRADE**

Act Feb. 6, 1942, ch. 42, 56 Stat. 50, related to pay of persons inducted in erroneous rank or grade under sections 401 to 405 of this Appendix.

**MILITARY SELECTIVE SERVICE ACT**

ACT JUNE 24, 1948, CH. 625, 62 STAT. 604

Sec. 451.	Short title; Congressional declaration of policy.
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453.	Registration.
454.	Persons liable for training and service.

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- (a) Age limits; training in National Security Training Corps; physical and mental fitness; adequate training facilities; assignment to stations and units; training period; medical specialist categories.
  - (b) Length of service; release of individuals accepted into Army National Guard, Air National Guard, and other Reserve components.
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- 471a. Procedural rights.
472. Period of increased service applicable to all personnel.
473. Regulations governing liquor sales; penalties.

## ACT REFERRED TO IN OTHER SECTIONS

This Act is referred to in section 516 of this Appendix; title 8 sections 1227, 1255a; title 10 sections 513, 1475, 12103, 12104, 12208; title 22 section 2520; title 26 section 3121; title 29 sections 2886, 2939; title 42 sections 410, 2996f.

### § 451. Short title; Congressional declaration of policy

(a) This Act may be cited as the "Military Selective Service Act".

(b) The Congress declares that an adequate armed strength must be achieved and maintained to insure the security of this Nation.

(c) The Congress further declares that in a free society the obligations and privileges of serving in the armed forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy.

(d) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard, both Ground and Air, as an integral part of the first line defenses of this Nation, be at all times maintained and assured.

To this end, it is the intent of the Congress that whenever Congress shall determine that units and organizations are needed for the national security in excess of those of the Regular components of the Ground Forces and the Air Forces, and those in active service under this title [sections 451 to 471a of this Appendix], the National Guard of the United States, both Ground and Air, or such part thereof as may be necessary, together with such units of the Reserve components as are necessary for a balanced force, shall be ordered to active Federal service and continued therein so long as such necessity exists.

(e) The Congress further declares that adequate provision for national security requires maximum effort in the fields of scientific research and development, and the fullest possible utilization of the Nation's technological, scientific, and other critical manpower resources.

(f) The Congress further declares that the Selective Service System should remain administratively independent of any other agency, including the Department of Defense.

(June 24, 1948, ch. 625, title I, §1, 62 Stat. 604; June 19, 1951, ch. 144, title I, §1(a), 65 Stat. 75;

Pub. L. 90-40, §1(1), June 30, 1967, 81 Stat. 100; Pub. L. 92-129, title I, §101(a)(1), Sept. 28, 1971, 85 Stat. 348; Pub. L. 96-107, title VIII, §812, Nov. 9, 1979, 93 Stat. 816.)

#### REFERENCES IN TEXT

The Military Selective Service Act, referred to in subsec. (a), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, originally called the "Selective Service Act of 1948", renamed the "Universal Military Training and Service Act" by act June 19, 1951, ch. 144, title I, §1(a), 65 Stat. 75, then renamed the "Military Selective Service Act of 1967" by Pub. L. 90-40, §1(1), June 30, 1967, 81 Stat. 100, and now designated the Military Selective Service Act by Pub. L. 92-129, title I, §101(a)(1), Sept. 28, 1971, 85 Stat. 348. Act June 24, 1948 consisted of titles I and II. Title I of such act enacted sections 451 to 454 and 455 to 471a of this Appendix. Title II of such act was classified to the Articles of War set out in former Title 10, Army and Air Force, to sections 61, 61a, 62a, 65, and 652a of former Title 10, and to section 180 of former Title 14, Coast Guard. Title II of act June 24, 1948 was repealed by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641.

The National Defense Act of 1916, as amended, referred to in subsec. (d), is act June 3, 1916, ch. 134, 39 Stat. 166, as amended, which was classified generally throughout former Title 10, Army and Air Force. The Act was repealed by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641, and the provisions thereof were reenacted as parts of Title 10, Armed Forces, and Title 32, National Guard.

#### AMENDMENTS

1979—Subsec. (f). Pub. L. 96-107 added subsec. (f).

1971—Subsec. (a). Pub. L. 92-129 substituted "Military Selective Service Act" for "Military Selective Service Act of 1967".

1967—Subsec. (a). Pub. L. 90-40 substituted "Military Selective Service Act of 1967" for "Universal Military Training and Service Act".

1951—Subsec. (a). Act June 19, 1951, substituted "Universal Military Training and Service Act" for "Selective Service Act of 1948".

#### SHORT TITLE OF 1969 AMENDMENT

Pub. L. 91-124, §1, Nov. 26, 1969, 83 Stat. 220, provided: "That this Act [amending section 455 of this Appendix] may be cited as the 'Selective Service Amendment Act of 1969'."

#### SHORT TITLE OF 1955 AMENDMENT

Act June 30, 1955, ch. 250, §1, 69 Stat. 223, provided: "That this Act [amending sections 454, 454a, 456, 467, and 2216 of this Appendix, and section 234 of former Title 37, Pay and Allowances] may be cited as the '1955 Amendments to the Universal Military Training and Service Act'."

#### SHORT TITLE OF 1951 AMENDMENT

Section 7 of title I of act June 19, 1951, provided that: "This title [enacting sections 472 and 473 of this Appendix, amending this section and sections 452 to 454, 455, 456, 459, 460, 463, 466, 467, and 471 of this Appendix, repealing section 457 of this Appendix, enacting provisions set out as notes under this section, and amending provisions set out as notes under section 454 of this Appendix and section 351 of Title 14, Coast Guard] may be cited as the '1951 Amendments to the Universal Military Training and Service Act'."

#### SHORT TITLE OF 1950 AMENDMENTS

Act Sept. 9, 1950, ch. 939, 64 Stat. 826, which amended section 454 of this Appendix, is popularly known as the "Doctors Draft Act".

Act June 30, 1950, ch. 445, §4, 64 Stat. 319, provided that: "This Act [enacting section 471 and amending sections 460 and 467 of this Appendix] may be cited as the 'Selective Service Extension Act of 1950'."

#### SEPARABILITY

Section 5 of act June 19, 1951, provided that: "If any provisions of this Act [enacting sections 472 and 473 of this Appendix, amending this section, sections 452 to 454, 455, 456, 459, 460, 463, 466, 467, and 471 of this Appendix, and section 621c of former Title 10, Army and Air Force, repealing section 457 of this Appendix, enacting provisions set out as notes under this section, and amending provisions set out as notes under section 454 of this Appendix and section 351 of Title 14, Coast Guard] or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby."

#### SELECTIVE SERVICE REFORM; PRESIDENTIAL PLAN, LEGISLATIVE PROPOSALS, ETC.

Section 811 of Pub. L. 96-107 directed President to prepare and transmit to Congress a plan for reform of law providing for registration and induction of persons in the Armed Forces, along with proposals for implementing legislation, on the later of Jan. 15, 1980, or the end of the three-month period beginning on Nov. 9, 1979.

#### § 452. Repealed. Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641

Section, acts June 24, 1948, ch. 625, title I, §2, 62 Stat. 605; June 19, 1951, ch. 144, title I, §1(b), 65 Stat. 75, related to authorized personnel strength of various services.

#### § 453. Registration

(a) Except as otherwise provided in this title [sections 451 to 471a of this Appendix] it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a non-immigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States.

(b) Regulations prescribed pursuant to subsection (a) may require that persons presenting themselves for and submitting to registration under this section provide, as part of such registration, such identifying information (including date of birth, address, and social security account number) as such regulations may prescribe.

(June 24, 1948, ch. 625, title I, §3, 62 Stat. 605; June 19, 1951, ch. 144, title I, §1(c), 65 Stat. 76; Pub. L. 92-129, title I, §101(a)(2), Sept. 28, 1971, 85 Stat. 348; Pub. L. 97-86, title IX, §916(a), Dec. 1, 1981, 95 Stat. 1129.)

#### AMENDMENTS

1981—Pub. L. 97-86 designated existing provisions as subsec. (a) and added subsec. (b).

1971—Pub. L. 92-129 substituted "male person residing in the United States" for "male person now or hereafter in the United States" and inserted provision making section inapplicable to aliens lawfully admitted to the United States as nonimmigrants under section

1101(a)(15) of Title 8 for so long as they maintain lawful nonimmigrant status in the United States.

1951—Act June 19, 1951, made all male persons now or hereafter in the United States subject to registration.

PROCLAMATION No. 2799

Proc. No. 2799, July 20, 1948, 13 F.R. 4173, 62 Stat. 1531, which related to registration, was revoked by Proc. No. 4360, Mar. 29, 1975, 40 F.R. 14567, 89 Stat. 1255, set out below.

PROCLAMATION No. 2937

Proc. No. 2937, Aug. 16, 1951, 16 F.R. 8263, 65 Stat. c.27, which related to registration in the Canal Zone, was revoked by Proc. No. 4360, Mar. 29, 1975, 40 F.R. 14567, 89 Stat. 1255, set out below.

PROCLAMATION No. 2938

Proc. No. 2938, Aug. 16, 1951, 16 F.R. 8265, 65 Stat. c.30, which related to registration in Guam, was revoked by Proc. No. 4360, Mar. 29, 1975, 40 F.R. 14567, 89 Stat. 1255, set out below.

PROCLAMATION No. 2942

Proc. No. 2942, Aug. 30, 1951, 16 F.R. 8969, 65 Stat. c.35, which concerned the supplementing of prior Proclamations relating to registration, was revoked by Proc. No. 4360, Mar. 29, 1975, 40 F.R. 14567, 89 Stat. 1255, set out below.

PROCLAMATION No. 2972

Proc. No. 2972, Apr. 17, 1952, 17 F.R. 3473, 66 Stat. c.28, which related to extra registration, was revoked by Proc. No. 4360, Mar. 29, 1975, 40 F.R. 14567, 89 Stat. 1255, set out below.

PROCLAMATION No. 3314

Proc. No. 3314, Sept. 14, 1959, 24 F.R. 7517, 73 Stat. c.78, which concerned the supplementing of prior Proclamations relating to registration, was revoked by Proc. No. 4360, Mar. 29, 1975, 40 F.R. 14567, 89 Stat. 1255, set out below.

PROCLAMATION No. 4101

Proc. No. 4101, Jan. 13, 1972, 37 F.R. 659, which concerned the supplementing of prior Proclamations relating to registration, was revoked by Proc. No. 4360, Mar. 29, 1975, 40 F.R. 14567, 89 Stat. 1255, set out below.

PROC. No. 4360. TERMINATION OF REGISTRATION PROCEDURES

Proc. No. 4360, Mar. 29, 1975, 40 F.R. 14567, 89 Stat. 1255, provided:

Under authority vested in the President by the Military Selective Service Act (62 Stat. 604), as amended [see References In Text note set out under section 451 of this Appendix], procedures have been established for the registration of male citizens of the United States and of other male persons who are subject to registration under section 3 of said act, as amended (85 Stat. 348) [this section].

In order to evaluate an annual registration system, existing procedures are being terminated and will be replaced by new procedures which will provide for periodic registration.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by the Constitution and the statutes of the United States, including the Military Selective Service Act, as amended, do hereby revoke Proclamations No. 2799 of July 20, 1948, No. 2937 of August 16, 1951, No. 2938 of August 16, 1951, No. 2942 of August 30, 1951, No. 2972 of April 17, 1952, No. 3314 of September 14, 1959, and No. 4101 of January 13, 1972; thereby terminating the present procedures for registration under the Military Selective Service Act, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March in the year of our

Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD.

PROC. No. 4771. REGISTRATION UNDER THE SELECTIVE SERVICE ACT

Proc. No. 4771, July 2, 1980, 45 F.R. 45247, 94 Stat. 3775, as amended by Proc. No. 7275, Feb. 22, 2000, 65 F.R. 9199, provided:

Section 3 of the Military Selective Service Act, as amended (50 U.S.C. App. 453), provides that male citizens of the United States and other male persons residing in the United States who are between the ages of 18 and 26, except those exempted by Sections 3 and 6(a) of the Military Selective Service Act [50 U.S.C. App. 453 and 456(a)], must present themselves for registration at such time or times and place or places, and in such manner as determined by the President. Section 6(k) [50 U.S.C. App. 456(k)] provides that such exceptions shall not continue after the cause for the exemption ceases to exist.

The Congress of the United States has made available the funds (H.J. Res. 521, approved by me on June 27, 1980 [Pub. L. 96-282, June 27, 1980, 93 Stat. 552]), which are needed to initiate this registration, beginning with those born on or after January 1, 1960.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Military Selective Service Act, as amended (50 U.S.C. App. 451 et seq.), do hereby proclaim as follows:

1-1. PERSONS TO BE REGISTERED AND DAYS OF REGISTRATION

1-101. Male citizens of the United States and other males residing in the United States, unless exempted by the Military Selective Service Act, as amended, who were born on or after January 1, 1960, and who have attained their eighteenth birthday, shall present themselves for registration in the manner and at the time and places as hereinafter provided.

1-102. Persons born in calendar year 1960 shall present themselves for registration on any of the six days beginning Monday, July 21, 1980.

1-103. Persons born in calendar year 1961 shall present themselves for registration on any of the six days beginning Monday, July 28, 1980.

1-104. Persons born in calendar year 1962 shall present themselves for registration on any of the six days beginning Monday, January 5, 1981.

1-105. Persons born on or after January 1, 1963, shall present themselves for registration on the day they attain the 18th anniversary of their birth or on any day within the period of 60 days beginning 30 days before such date; however, in no event shall such persons present themselves for registration prior to January 5, 1981.

1-106. Aliens who would be required to present themselves for registration pursuant to Sections 1-101 to 1-105, but who are in processing centers on the dates fixed for registration, shall present themselves for registration within 30 days after their release from such centers.

1-107. Aliens and noncitizen nationals of the United States who reside in the United States, but who are absent from the United States on the days fixed for their registration, shall present themselves for registration within 30 days after their return to the United States.

1-108. Aliens and noncitizen nationals of the United States who, on or after July 1, 1980, come into and reside in the United States shall present themselves for registration in accordance with Sections 1-101 to 1-105 or within 30 days after coming into the United States, whichever is later.

1-109. Persons who would have been required to present themselves for registration pursuant to Sections 1-101 to 1-108 but for an exemption pursuant to Section 3 or 6(a) of the Military Selective Service Act,

as amended [50 U.S.C. App. 453 or 456(a)], or but for some condition beyond their control such as hospitalization or incarceration, shall present themselves for registration within 30 days after the cause for their exempt status ceases to exist or within 30 days after the termination of the condition which was beyond their control.

#### 1-2. PLACES AND TIMES FOR REGISTRATION

1-201. Persons who are required to be registered and who are in the United States shall register at the places and by the means designated by the Director of Selective Service. These places and means may include but are not limited to any classified United States Post Office, the Selective Service Internet web site, telephonic registration, registration on approved Government forms, registration through high school and college registrars, and the Selective Service reminder mailback card.

1-202. Citizens of the United States who are required to be registered and who are not in the United States, shall register via any of the places and methods authorized by the Director of Selective Service pursuant to paragraph 1-201 or present themselves at a United States Embassy or Consulate for registration before a diplomatic or consular officer of the United States or before a registrar duly appointed by a diplomatic or consular officer of the United States.

1-203. The hours for registration in United States Post Offices shall be the business hours during the days of operation of the particular United States Post Office. The hours for registration in United States Embassies and Consulates shall be those prescribed by the United States Embassies and Consulates.

#### 1-3. MANNER OF REGISTRATION

1-301. Persons who are required to be registered shall comply with the registration procedures and other rules and regulations prescribed by the Director of Selective Service.

1-302. When reporting for registration each person shall present for inspection reasonable evidence of his identity. After registration, each person shall keep the Selective Service System informed of his current address.

Having proclaimed these requirements for registration, I urge everyone, including employers in the private and public sectors, to cooperate with and assist those persons who are required to be registered in order to ensure a timely and complete registration. Also, I direct the heads of Executive agencies, when requested by the Director of Selective Service and to the extent permitted by law, to cooperate and assist in carrying out the purposes of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of July, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 454, 456, 462, 465 of this Appendix; title 5 section 3328; title 29 section 2939; title 42 sections 292d, 292r.

### § 454. Persons liable for training and service

#### (a) Age limits; training in National Security Training Corps; physical and mental fitness; adequate training facilities; assignment to stations and units; training period; medical specialist categories

Except as otherwise provided in this title [sections 451 to 471a of this Appendix], every person required to register pursuant to section 3 of this title [section 453 of this Appendix] who is between the ages of eighteen years and six months

and twenty-six years, at the time fixed for his registration, or who attains the age of eighteen years and six months after having been required to register pursuant to section 3 of this title [section 453 of this Appendix], or who is otherwise liable as provided in section 6(h) of this title [section 456(h) of this Appendix], shall be liable for training and service in the Armed Forces of the United States: *Provided*, That each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined, both physically and mentally, in order to determine his availability for induction for training and service in the Armed Forces: *Provided further*, That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted. The President is authorized, from time to time, whether or not a state of war exists, to select and induct into the Armed Forces of the United States for training and service in the manner provided in this title [said sections] (including but not limited to selection and induction by age group or age groups) such number of persons as may be required to provide and maintain the strength of the Armed Forces.

At such time as the period of active service in the Armed Forces required under this title [said sections] of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated pursuant to the provisions of section 4(k) of this title [subsection (k) of this section], and except as otherwise provided in this title [said sections], every person who is required to register under this title [said sections] and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated or who is otherwise liable as provided in section 6(h) of this title [section 456(h) of this Appendix], shall be liable for training in the National Security Training Corps: *Provided*, That persons deferred under the provisions of section 6 of this title [section 456 of this Appendix] shall not be relieved from liability for induction into the National Security Training Corps solely by reason of having exceeded the age of nineteen years during the period of such deferment. The President is authorized, from time to time, whether or not a state of war exists, to select and induct for training in the National Security Training Corps as hereinafter provided such number of persons as may be required to further the purposes of this title [said sections].

No person shall be inducted into the Armed Forces for training and service or shall be inducted for training in the National Security Training Corps under this title [said sections] until his acceptability in all respects, including his physical and mental fitness, has been satisfactorily determined under standards prescribed by the Secretary of Defense: *Provided*, That the minimum standards for physical acceptability established pursuant to this subsection shall not be higher than those applied to persons inducted between the ages of 18 and 26 in January 1945: *Provided further*, That the passing requirement

for the Armed Forces Qualification Test shall be fixed at a percentile score of 10 points: *And provided further*, That except in time of war or national emergency declared by the Congress the standards and requirements fixed by the preceding two provisos may be modified by the President under such rules and regulations as he may prescribe.

No persons shall be inducted for such training and service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations for such persons as may be determined by the Secretary of Defense or the Secretary of Transportation to be essential to the public and personal health.

The persons inducted into the Armed Forces for training and service under this title [said sections] shall be assigned to stations or units of such forces. Persons inducted into the land forces of the United States pursuant to this title [said sections] shall be deemed to be members of the Army of the United States; persons inducted into the naval forces of the United States pursuant to this title [said sections] shall be deemed to be members of the United States Navy or the United States Marine Corps or the United States Coast Guard, as appropriate; and persons inducted into the air forces of the United States pursuant to this title [said sections] shall be deemed to be members of the Air Force of the United States.

Every person inducted into the Armed Forces pursuant to the authority of this subsection after the date of enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951] shall, following his induction, be given full and adequate military training for service in the armed force into which he is inducted for a period of not less than twelve weeks, and no such person shall, during this twelve weeks period, be assigned for duty at any installation located on land outside the United States, its Territories and possessions (including the Canal Zone): *Provided*, That no funds appropriated by the Congress shall be used for the purpose of transporting or maintaining in violation of the provisions of this paragraph any person inducted into, or enlisted, appointed, or ordered to active duty in, the Armed Forces under the provisions of this title [said sections].

No person, without his consent, shall be inducted for training and service in the Armed Forces or for training in the National Security Training Corps under this title [said sections], except as otherwise provided herein, after he has attained the twenty-sixth anniversary of the day of his birth.

**(b) Length of service; release of individuals accepted into Army National Guard, Air National Guard, and other Reserve components**

Each person inducted into the Armed Forces under the provisions of subsection (a) of this section shall serve on active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the

United States Coast Guard) or as otherwise prescribed by subsection (d) of section 4 of this title [subsection (d) of this section]. The Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense (and the Secretary of Transportation with respect to the United States Coast Guard), may provide, by regulations which shall be as nearly uniform as practicable, for the release from training and service in the armed forces prior to serving the periods required by this subsection of individuals who volunteered for and are accepted into organized units of the Army National Guard and Air National Guard and other reserve components.

**(c) Opportunity to enlist in Regular Army; voluntary induction; volunteers under 18 years old**

(1) Under the provisions of applicable laws and regulations any person between the ages of eighteen years and six months and twenty-six years shall be offered an opportunity to enlist in the regular army for a period of service equal to that prescribed in subsection (b) of this section: *Provided*, That, notwithstanding the provisions of this or any other Act, any person so enlisting shall not have his enlistment extended without his consent until after a declaration of war or national emergency by the Congress after the date of enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951].

(2) Any enlisted member of any reserve component of the Armed Forces may, during the effective period of this Act, apply for a period of service equal to that prescribed in subsection (b) of this section and his application shall be accepted: *Provided*, That his services can be effectively utilized and that his physical and mental fitness for such service meet the standards prescribed by the head of the department concerned: *Provided further*, That active service performed pursuant to this section shall not prejudice his status as such member of such reserve component: *And provided further*, That any person who was a member of a reserve component on June 25, 1950, and who thereafter continued to serve satisfactorily in such reserve component, shall, if his application for active duty made pursuant to this paragraph is denied, be deferred from induction under this title [sections 451 to 471a of this Appendix] until such time as he is ordered to active duty or ceases to serve satisfactorily in such reserve component.

(3) Within the limits of the quota determined under sections 5(b) [section 455(b) of this Appendix] for the subdivision in which he resides, any person, between the ages of eighteen and twenty-six, shall be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in subsection (b), but no person who so volunteers shall be inducted for such training and service so long as he is deferred after classification.

(4) Within the limits of the quota determined under section 5(b) [section 455(b) of this Appendix] for the subdivision in which he resides, any person after attaining the age of seventeen shall with the written consent of his parents or guard-

ian be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in subsection (b).

(5) Within the limits of the quota determined under section 5(b) [section 455(b) of this Appendix] for the subdivision in which he resides, at such time as induction into the National Security Training Corps is authorized pursuant to the provisions of this title [sections 451 to 471a of this Appendix], any person after attaining the age of seventeen shall with the written consent of his parents or guardian be afforded an opportunity to volunteer for induction into the National Security Training Corps for the training prescribed in subsection (k) of section 4 of this title [subsection (k) of this section].

**(d) Transfer to Reserve component; period of service**

(1) Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951] is inducted, enlisted, or appointed and serves for a period of less than three years in one of the armed forces and meets the qualifications for enlistment or appointment in a reserve component of the armed force in which he serves, shall be transferred to a reserve component of such armed force, and until the expiration of a period of five years after such transfer, or until he is discharged from such reserve component, whichever occurs first, shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law for such reserve component: *Provided*, That any such person who completes at least twenty-one months of service in the armed forces and who thereafter serves satisfactorily (1) on active duty in the armed forces under a voluntary extension for a period of at least one year, which extension is authorized, or (2) in an organized unit of any reserve component of any of the armed forces for a period of at least thirty-six consecutive months, shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the armed forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces.

(2) Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951] is enlisted under the provisions of subsection (g) of this section and who meets the qualifications for enlistment or appointment in a reserve component of the armed forces shall, upon discharge from such enlistment under honorable conditions, be transferred to a reserve component of the armed forces of the United States and shall serve therein for a period of six years or until sooner discharged. Each such person shall, so long as he is a member of such reserve component, be liable to be ordered to active duty, but except in time of war or national emergency declared by the Congress no such person shall be ordered to active duty, without

his consent and except as hereinafter provided, for more than one month in any year. In case the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to, and can without undue hardship be filled by, any such person, it shall be the duty of such person to enlist, enroll, or accept appointment in, or accept assignment to, such organized unit or officers' training program and to serve satisfactorily therein for a period of four years. Any such person who fails or refuses to perform such duty may be ordered to active duty, without his consent, for an additional period of not more than twelve consecutive months. Any such person who enlists or accepts appointment in any such organized unit and serves satisfactorily therein for a period of four years shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the armed forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces. The Secretary of Defense is authorized to prescribe regulations governing the transfer of such persons within and between reserve components of the armed forces and determining, for the purpose of the requirements of the foregoing provisions of this paragraph, the credit to be allowed any person so transferring for his previous service in one or more reserve components.

(3) Each person who, subsequent to June 19, 1951, and on or before August 9, 1955, is inducted, enlisted, or appointed, under any provision of law, in the Armed Forces, including the reserve components thereof, or in the National Security Training Corps prior to attaining the twenty-sixth anniversary of his birth, shall be required to serve on active training and service in the Armed Forces or in training in the National Security Training Corps, and in a reserve component, for a total period of eight years, unless sooner discharged on grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard). Each such person, on release from active training and service in the Armed Forces or from training in the National Security Training Corps, shall, if physically and mentally qualified, be transferred to a reserve component of the Armed Forces, and shall serve therein for the remainder of the period which he is required to serve under this paragraph and shall be deemed to be a member of the reserve component during that period. If the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the Secretary of Transportation with respect to the United States Coast Guard, determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to,

and can, without undue personal hardship, be filled by such a person, that person shall enlist, enroll, or accept appointment in, or accept assignment to, the organized unit or officers' training program, and serve satisfactorily therein.

**(e) Pay and allowances**

With respect to the persons inducted for training and service under this title [sections 451 to 471a of this Appendix] there shall be paid, allowed, and extended the same pay, allowances, pensions, disability and death compensation, and other benefits as are provided by law in the case of other enlisted men of like grades and length of service of that component of the armed forces to which they are assigned. Section 3 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), is amended by deleting therefrom the following: "Act of March 7, 1942 (56 Stat. 143 to 148, ch. 166), as amended". The Act of March 7, 1942 (56 Stat. 143 to 148), as amended, is made applicable to persons inducted into the armed forces pursuant to this title [said sections].

**(f) Additional compensation from civilian sources**

Notwithstanding any other provision of law, any person who is inducted into the armed forces under this Act and who, before being inducted, was receiving compensation from any person may, while serving under that induction, receive compensation from that person.

**(g) Occupational deferment recommendations by National Security Council**

The National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations. In the performance of its duties under this subsection the National Security Council shall consider the needs of both the Armed Forces and the civilian segment of the population.

**(h) Repealed. June 19, 1951, ch. 144, title I, § 1(h), 65 Stat. 80**

**(i), (j) Omitted**

**(k) Reduction of periods of service; establishment of National Security Training Corps; composition; service; pay**

(1) Upon a finding by him that such action is justified by the strength of the Armed Forces in the light of international conditions, the President, upon recommendation of the Secretary of Defense, is authorized, by Executive order, which shall be uniform in its application to all persons inducted under this title [sections 451 to 471a of this Appendix] but which may vary as to age groups, to provide for (A) decreasing periods of service under this title [said sections] but in no case to a lesser period of time than can be economically utilized, or (B) eliminating periods of service required under this title [said sections].

(2) Whenever the Congress shall by concurrent resolution declare—

(A) that the period of active service required of any age group or groups of persons inducted under this title [said sections] should be decreased to any period less than twenty-four months which may be designated in such resolution; or

(B) that the period of active service required of any age group or groups of persons inducted under this title [said sections] should be eliminated,

the period of active service in the Armed Forces of the age group or groups designated in any such resolution shall be so decreased or eliminated, as the case may be. Whenever the period of active service required under this title [said sections] of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated by the President or as a result of the adoption of a concurrent resolution of the Congress in accordance with the foregoing provisions of this section, all individuals then or thereafter liable for registration under this title [said sections] who on that date have not attained the nineteenth anniversary of the day of their birth and have not been inducted into the Armed Forces shall be liable, effective on such date, for induction into the National Security Training Corps as hereinafter established for initial military training for a period of six months.

(3), (4) Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 656.

(5) The Commission shall, subject to the direction of the President, exercise general supervision over the training of the National Security Training Corps, which training shall be basic military training. The Commission shall establish such policies and standards with respect to the conduct of the training of members of the National Security Training Corps as are necessary to carry out the purposes of this Act. The Commission shall make adequate provisions for the moral and spiritual welfare of members of the National Security Training Corps. The Secretary of Defense shall designate the military departments to carry out such training. Each military department so designated shall carry out such military training in accordance with the policies and standards of the Commission. The military department or departments so designated to carry out such military training shall, subject to the approval of the Secretary of Defense, and subject to the policies and standards established by the Commission, determine the type or types of basic military training to be given to members of the National Security Training Corps.

(6) Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 656.

(7) Not later than four months following confirmation of the members of the Commission, the Commission shall submit to the Congress legislative recommendations which shall include, but not be limited to—

(A) a broad outline for a program deemed by the Commission and approved by the Secretary of Defense to be appropriate to assure that the training carried out under the provisions of this Act shall be of a military nature,

but nothing contained in this paragraph shall be construed to grant to the Commission the authority to prescribe the basic type or types of military training to be given members of the National Security Training Corps;

(B) measures for the personal safety, health, welfare and morals of members of the National Security Training Corps;

(C) a code of conduct, together with penalties for violation thereof;

(D) measures deemed necessary to implement the policies and standards established under the provisions of paragraph (5) of this subsection; and

(E) disability and death benefits and other benefits, and the obligations, duties, liabilities and responsibilities, to be granted to or imposed upon members of the National Security Training Corps.

All legislative recommendations submitted under this paragraph shall be referred to the Committees on Armed Services of the two Houses, and each of such committees shall, not later than the expiration of the first period of 45 calendar days of continuous sessions of the Congress, following the date on which the recommendations provided for in this paragraph are transmitted to the Congress, report thereon to its House: *Provided*, That any bill or resolution reported with respect to such recommendations shall be privileged and may be called up by any member of either House but shall be subject to amendment as if it were not so privileged.

(8) No person shall be inducted into the National Security Training Corps until after—

(A) a code of conduct, together with penalties for violation thereof, and measures providing for disability and death benefits have been enacted into law; and

(B) such other legislative recommendations as are provided for in paragraph (7) shall have been considered and such recommendations or any portion thereof shall have been enacted with or without amendments into law; and

(C) the period of service required under this title [sections 451 to 471a of this Appendix] of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated by the President or as a result of the adoption of a concurrent resolution of the Congress in accordance with paragraph (2) of this subsection.

(9) Six months following the commencement of induction of persons into the National Security Training Corps, and semiannually thereafter, the Commission shall submit to the Congress a comprehensive report describing in detail the operation of the National Security Training Corps, including the number of persons inducted therein, a list of camps and stations at which training is being conducted, a report on the number of deaths and injuries occurring during such training and the causes thereof, an estimate of the performance of the persons inducted therein, including an analysis of the disciplinary problems encountered during the preceding six months, the number of civilian employees of the Commission and the administrative costs of the Commission. Simultaneously, there shall be submitted to the Congress by the Secretary of De-

fense a report setting forth an estimate of the value of the training conducted during the preceding six months, the cost of the training program chargeable to the appropriations made to the Department of Defense, and the number of personnel of the Armed Forces directly engaged in the conduct of such training.

(10) Each person inducted into the National Security Training Corps shall be compensated at the monthly rate of \$30: *Provided, however*, That each such person, having a dependent or dependents shall be entitled to receive a dependency allowance equal to the basic allowance for housing provided for persons in pay grade E-1 under section 403 of title 37 plus \$40 so long as such person has in effect an allotment equal to the amount of such dependency allowance for the support of the dependent or dependents on whose account the allowance is claimed.

(11) No person inducted into the National Security Training Corps shall be assigned for training at an installation located on land outside the continental United States, except that residents of Territories and possessions of the United States may be trained in the Territory or possession from which they were inducted.

#### (I) Terminated

(June 24, 1948, ch. 625, title I, § 4, 62 Stat. 605; Sept. 9, 1950, ch. 939, § 1, 64 Stat. 826; Sept. 27, 1950, ch. 1059, §§ 1(1)–(5), 3(a), 64 Stat. 1073; June 19, 1951, ch. 144, title I, § 1(d)–(j), 65 Stat. 76; July 9, 1952, ch. 608, pt. VIII, § 813, 66 Stat. 509; June 29, 1953, ch. 158, §§ 1, 2, 6, 67 Stat. 86, 89; June 30, 1955, ch. 250, title II, § 202, 69 Stat. 224; Aug. 9, 1955, ch. 665, § 3(a), 69 Stat. 602; Aug. 10, 1956, ch. 1041, §§ 22(a)–(c), 53, 70A Stat. 630, 641; Pub. L. 85–62, §§ 1–3, June 27, 1957, 71 Stat. 206, 207; Pub. L. 85–564, July 28, 1958, 72 Stat. 424; Pub. L. 85–861, §§ 9, 36A, Sept. 2, 1958, 72 Stat. 1556, 1569; Pub. L. 87–651, title III, § 301, Sept. 7, 1962, 76 Stat. 524; Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 656; Pub. L. 90–40, § 1(2), June 30, 1967, 81 Stat. 100; Pub. L. 92–129, title I, § 101(a)(3)–(7), Sept. 28, 1971, 85 Stat. 348, 349; Pub. L. 94–106, title VIII, § 802(c), Oct. 7, 1975, 89 Stat. 537; Pub. L. 105–85, div. A, title VI, § 603(d)(5), Nov. 18, 1997, 111 Stat. 1783.)

#### REFERENCES IN TEXT

This Act, referred to in subsecs. (c)(1), (2), (f), and (k)(5), (7)(A), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, known as the Military Selective Service Act. For complete classification of this Act to the Code, see References in Text note set out under section 451 of this Appendix and Tables.

The effective period of this Act, referred to in subsec. (c)(2), is set out in section 467 of this Appendix.

Section 3 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), referred to in subsec. (e), is section of act July 25, 1947, ch. 327, 61 Stat. 451, which is not classified to the Code.

Act of March 7, 1942 (56 Stat. 143 to 148), as amended, referred to in subsec. (e), popularly known as the Missing Persons Act, was classified to sections 1001 to 1018 of this Appendix. The Act was repealed by Pub. L. 89–554, Sept. 6, 1966, § 8(a), 80 Stat. 632, and reenacted as subchapter VII of chapter 55 of Title 5, Government Organization and Employees, and chapter 10 of Title 37, Pay and Allowances of the Uniformed Services.

Subsection (g) of this section, referred to in subsec. (d)(2), refers to the subsection (g) that was repealed by act June 19, 1951, § 1(h).

The Commission, referred to in subsec. (k)(5), means the National Security Training Commission, which ex-

pired June 30, 1957, pursuant to letter of the President on Mar. 25, 1957, following the Commission's own recommendation for its termination.

#### AMENDMENTS

1997—Subsec. (k)(10). Pub. L. 105-85 substituted "shall be entitled to receive a dependency allowance equal to the basic allowance for housing provided for persons in pay grade E-1 under section 403 of title 37" for "as such terms are defined in the Career Compensation Act of 1949, shall be entitled to receive a dependency allowance equal to the sum of the basic allowance for quarters provided for persons in pay grade E-1 by section 302(f) of the Career Compensation Act of 1949 as amended by section 3 of the Dependents' Assistance Act of 1950 as may be extended or amended".

1975—Subsec. (a). Pub. L. 94-106 in paragraph relating to military training for persons inducted after June 19, 1951, for service in the armed force into which they were inducted, substituted twelve weeks for four months in two places.

1971—Subsec. (a). Pub. L. 92-129, §101(a)(3), (4), struck out provisions which had given special coverage for male aliens and substituted "Secretary of Transportation" for "Secretary of the Treasury".

Subsec. (b). Pub. L. 92-129, §101(a)(5), substituted "Secretary of Transportation" for "Secretary of the Treasury".

Subsec. (d)(1). Pub. L. 92-129, §101(a)(6), struck out "(except a person enlisted under subsection (g) of this section)" after "inducted, enlisted, or appointed".

Subsec. (d)(3). Pub. L. 92-129, §101(a)(7), substituted "Secretary of Transportation" for "Secretary of the Treasury".

1967—Subsec. (a). Pub. L. 90-40, §1(2)(a), inserted proviso that registrants failing or refusing to report for induction continue to remain liable for induction and to be immediately inducted when available.

Subsec. (g). Pub. L. 90-40, §1(2)(b), added subsec. (g). A former subsec. (g), authorizing one year enlistments in the armed services by male persons between 18 and 19, was repealed by act June 19, 1951, ch. 144, §1(h), 65 Stat. 80.

1966—Subsec. (k)(3), (4), (6). Pub. L. 89-554 repealed pars. (3), (4) and (6) which established the National Security Training Commission, provided for its composition, tenure, pay and duties, and authorized appointment and pay of employees.

1962—Subsec. (d)(3). Pub. L. 87-651 amended par. (3) generally, striking out provisions which required each person inducted into the National Security Training Corps to serve in the Armed Forces or the National Security Training Corps for a total of eight years, unless sooner discharged because of personal hardship, and requiring each person covered by this subsection who is not a reserve, and who is qualified, upon his release from training, to be transferred to a reserve component to complete the service required by this subsection.

1958—Subsec. (a). Pub. L. 85-564 inserted, at end of third par., proviso authorizing President to modify standards fixed by preceding two provisos, except in war or national emergency.

Subsec. (d)(3). Pub. L. 85-861 repealed provisions that required persons inducted, enlisted, or appointed, in the Armed Forces to serve on active training and service in the Armed Forces and in a reserve component for a total of six years, and inserted provisions requiring transfer to reserve components of persons released from active training and service in the Armed Forces or from training in the National Security Training Corps and authorizing enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which a person served. See section 651 of Title 10, Armed Forces.

1957—Subsec. (a). Pub. L. 85-62, §1, 9, temporarily inserted next to last paragraph providing that no medical, dental, or allied specialist shall be inducted if he applies or applied for appointment as a Reserve officer in one of such categories and is rejected on the sole

ground of physical disqualification. See Effective and Termination Dates of 1957 Amendment note below.

Subsec. (j). Pub. L. 85-62, §§3, 9, temporarily struck out "as referred to in subsection (i)" after "categories of persons" at end of first sentence, and substituted "thirty-fifth" for "fifty-first" in last sentence of second par. See Effective and Termination Dates of 1957 Amendment note below.

Subsec. (l). Pub. L. 85-62, §§2, 9, temporarily added subsec. (l). See Effective and Termination Dates of 1957 Amendment note below.

1956—Subsec. (a). Act Aug. 10, 1956, §53, repealed provisions prohibiting assignment to duty outside the United States until the member of the Armed Forces has had the equivalent of four months of basic training, and relating to communications with Members of Congress. See sections 671 and 1034 of Title 10, Armed Forces.

Subsec. (b). Act Aug. 10, 1956, §22(a), authorized Secretaries of the Army, Navy, Air Force, and Treasury, to provide by regulations for release from training and service in the Armed Forces of those individuals who are accepted into organized units of the Army National Guard and Air National Guard and other reserve components.

Subsec. (d)(3). Act Aug. 10, 1956, §22(b), purportedly repealed par. (3) and amended it to provide that "Each person who is inducted into the National Security Training Corps shall serve in the armed forces or the National Security Training Corps for a total of eight years, unless he is sooner discharged because of personal hardship under regulations prescribed by the Secretary of Defense. Each person covered by this subsection who is not a Reserve, and who is qualified, shall, upon his release from training, be transferred to a reserve component of an armed force to complete the service required by this subsection." See 1958 and 1962 Amendment notes above.

Subsec. (f). Act Aug. 10, 1956, §53, purportedly repealed subsec. (f). However, section 22(c) of the act amended subsection to clarify authority to receive compensation. See also section 103 of Title 10, Armed Forces.

1955—Subsec. (d)(3). Act Aug. 9, 1955, provided for a six-year term of duty for persons who are inducted, enlisted, or appointed after Aug. 9, 1955.

Subsec. (i)(1). Act June 30, 1955, exempted from service persons who attained their thirty-fifth anniversary of their date of birth and who were rejected for service on the ground of physical disqualification, and to reduce maximum age of liability of induction from 51 to 46 years of age.

1953—Subsec. (i)(2). Act June 29, 1953, §6, in cl. "First" struck out "subsequent to the completion of or release from the program or course of instruction" after "Public Health Service"; and, in cl. "Second", substituted "seventeen months" for "twenty-one months", and struck out "subsequent to the completion of or release from the program or course of instruction" after "Public Health Service".

Subsec. (i)(4) to (7). Act June 29, 1953, §1, added pars. (4) to (7).

Subsec. (j). Act June 29, 1953, §2, added third par.

1952—Subsec. (d)(3). Act July 9, 1952, substituted "appointed under any provision of law, in the Armed Forces, including the reserve components thereof," for "appointed in the Armed Forces".

1951—Subsec. (a). Act June 19, 1951, §1(d), lowered age limit from 19 years to 18½, provided for training in National Security Training Corps, lowered physical and mental standards, provided for a basic training period, and allowed communication with Members of Congress.

Subsec. (b). Act June 19, 1951, §1(e), increased length of service from 21 to 24 months.

Subsec. (c). Act June 19, 1951, §1(f), struck out short-term Army enlistment period and the General Classification Test, and established age for voluntary induction.

Subsec. (d). Act June 19, 1951, §1(g), inserted "and prior to the enactment of the 1951 Amendments to the

Universal Military Training and Service Act” after “hereafter” in pars. (1) and (2), and added par. (3).

Subsec. (e). Act June 19, 1951, §1(i), inserted “6g” after “sections” in par. (1), and extended period of service from 21 to 24 months.

Subsec. (g). Act June 19, 1951, §1(h), repealed subsec. (g) which related to enlistments in armed service for one year by male persons between 18 and 19 years.

Subsec. (h). Act June 19, 1951, §1(h), repealed subsec. (h) which related to permanent assignment outside continental United States.

Subsec. (k). Act June 19, 1951, §1(j), added subsec. (k). 1950—Subsec. (a). Act Sept. 27, 1950, §1(1)–(4), inserted before period in third sentence of first par. “and such number of persons as in his judgment may be required for the United States Coast Guard”, inserted before period in second par. “or the Secretary of the Treasury”, inserted after “the Secretary of Defense” in third par. “or the Secretary of the Treasury”, inserted after “United States Marine Corps” in fourth par. “or the United States Coast Guard”.

Subsec. (b). Act Sept. 27, 1950, §1(5), inserted before period “or the Secretary of the Treasury”.

Subsec. (c). Act Sept. 27, 1950, §3(a), added par. (4).

Subsecs. (i), (j). Act Sept. 9, 1950, §§1, 9, temporarily added subsecs. (i) and (j). See Termination Date of Subsection (i) and Former Subsection (j) note below.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105–85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

#### EFFECTIVE AND TERMINATION DATES OF 1957 AMENDMENT

Pub. L. 85–62, §9, June 27, 1957, 71 Stat. 208, as amended by Pub. L. 86–4, §4, Mar. 23, 1959, 73 Stat. 13; Pub. L. 88–2, §4, Mar. 28, 1963, 77 Stat. 4; Pub. L. 90–40, §4, June 30, 1967, 81 Stat. 105; Pub. L. 92–129, title I, §103, Sept. 28, 1971, 85 Stat. 355, provided that: “This Act [amending this section, sections 454a to 456 of this Appendix, and provisions set out as a note under this section] takes effect July 1, 1957, and shall terminate July 1, 1973.”

#### EFFECTIVE DATE OF 1952 AMENDMENT

Section 813 of act July 9, 1952, provided that the amendment made by that section is effective as of June 19, 1951.

#### REPEAL OF PRIOR ACTS CONTINUING SECTION

Section 6 of act July 3, 1952, repealed act Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by acts May 28, 1952, ch. 339, 66 Stat. 96; June 14, 1952, ch. 437, 66 Stat. 137; June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal shall take effect as of June 16, 1952, by section 7 of act July 3, 1952.

#### TERMINATION DATE OF SUBSECTION (i) AND FORMER SUBSECTION (j)

Section 7 of act Sept. 9, 1950, as amended by acts June 19, 1951, §2(b); June 29, 1953, §9; and June 30, 1955, §201, and by Pub. L. 85–62, §8, provided that subsecs. (i) and (j) of this section, which were added by act Sept. 9, 1950, shall terminate as of June 30, 1957. See Effective and Termination Dates of 1957 Amendment note set out above with respect to subsec. (j) as reenacted and amended by Pub. L. 85–62.

#### EXECUTIVE ORDER NO. 10164

Ex. Ord. No. 10164, Sept. 27, 1950, 15 F.R. 6570, provided for extension for a period of twelve months of all enlistments in the United States Coast Guard, including the Coast Guard Reserve, which would have expired at any time after Sept. 27, 1950, and prior to July 9, 1951.

#### EXECUTIVE ORDER NO. 10166

Ex. Ord. No. 10166, Oct. 4, 1950, 15 F.R. 6777, as amended by Ex. Ord. No. 10185, Dec. 1, 1950, 15 F.R. 8557, which

established the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists, was revoked by Ex. Ord. No. 11415, June 24, 1968, 33 F.R. 9329, formerly set out below.

#### EX. ORD. NO. 10762. DELEGATION OF AUTHORITY TO SECRETARY OF DEFENSE

Ex. Ord. No. 10762, Mar. 28, 1958, 23 F.R. 2119, provided:

1. There is hereby delegated to the Secretary of Defense:

(a) The authority vested in the President by section 4(l)(1) of the Universal Military Training and Service Act, as added by section 2 of the Act of June 27, 1957 (P.L. 85–62; 71 Stat. 206) [subsection (l)(1) of this section], to order to active duty (other than for training) for a period of not more than 24 consecutive months, with or without his consent, any member of a reserve component of the armed forces of the United States who is in a medical, dental, or allied specialist category, who has not attained the thirty-fifth anniversary of the date of his birth, and who has not performed at least one year of active duty (other than for training).

(b) The authority vested in the President by section 5(c) of the Universal Military Training and Service Act, as added by section 5 of the Act of June 27, 1957 (P.L. 85–62; 71 Stat. 207) [section 455(c) of this Appendix], to prescribe regulations with respect to the appointment, reappointment, or promotion of any qualified person who (1) is liable for induction or (2) as a member of a reserve component is ordered to active duty as a physician or dentist or in an allied specialist category in the armed forces of the United States.

2. Executive Order No. 10478 of August 5, 1953, as amended by Executive Order No. 10658 of February 15, 1956, is hereby revoked.

DWIGHT D. EISENHOWER.

#### EX. ORD. NO. 10776. DELEGATION OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 10776, July 28, 1958, 23 F.R. 5683, provided:

By virtue of the authority vested in me by title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces, there is hereby delegated to the Secretary of Defense the authority (relating to the prescribing of rules and regulations modifying the standards and requirements with respect to induction of persons into the armed forces) vested in the President by the last proviso of section 4(a) of the Universal Military Training and Service Act [subsec. (a) of this section], added by the act of July 28, 1958 [Pub. L. 85–564]. The Secretary of Defense is hereby authorized to re-delegate that authority to any official of the Department of Defense who is required to be appointed by and with the advice and consent of the Senate. No person shall be inducted into the armed forces for training and service who does not meet the standards and requirements specified in the rules and regulations prescribed by the Secretary or his designee pursuant to this order.

DWIGHT D. EISENHOWER.

#### EXECUTIVE ORDER NO. 11415

Ex. Ord. No. 11415, June 24, 1968, 33 F.R. 9329, which established the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists and the National Health Resources Advisory Committee, was revoked by section 5–110 of Ex. Ord. No. 12148, July 20, 1979, 44 F.R. 43243, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

#### PROC. NO. 2906. REGISTRATION OF DOCTORS, DENTISTS AND ALLIED SPECIALISTS

Proc. No. 2906, Oct. 6, 1950, 15 F.R. 6845, 64 Stat. Pt. 2, p. A437, as amended Proc. No. 2915, Dec. 28, 1950, 15 F.R. 9419, 64 Stat. Pt. 2, p. A455, provided:

1. Every male person who participated as a student in the Army specialized training program or any similar

program administered by the Navy, or was deferred from service during World War II for the purpose of pursuing a course of instruction leading to education in a medical, dental, or allied specialist category, and has had less than twenty-one months of active duty in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to the completion of, or release from, such program or course of instruction (exclusive of time spent in post-graduate training), and who, on the day or any of the days hereinafter fixed for his registration (a) shall have received from any school, college, university, or similar institution of learning, one or more of the degrees of bachelor of medicine, doctor of medicine, doctor of dental surgery, doctor of dental medicine, doctor of veterinary surgery, and doctor of veterinary medicine, (b) is within any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, (c) is not a member of any reserve component of the armed forces of the United States, and (d) shall not have attained the fiftieth anniversary of the day of his birth is required to and shall on that day or any of those days present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day or any of those days.

2. The special registration of the male persons required to submit to registration by paragraph numbered 1 hereof shall take place in the several States of the United States, the District of Columbia, the Territories of Alaska and Hawaii, Puerto Rico, and the Virgin Islands between the hours of 8:00 a.m. and 5:00 p.m. on the day or days hereinafter designated for their registration, as follows:

(a) Persons who shall have received any of the degrees above referred to on or before October 16, 1950, shall be registered on Monday, the 16th day of October, 1950.

(b) Persons who receive any of the degrees above referred to after October 16, 1950, shall be registered on the day they receive any such degree, or within five days thereafter.

(c) Persons who shall have received any of the degrees above referred to and who enter any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands after October 16, 1950, shall be registered on the day of such entrance, or within five days thereafter.

3. Every male person who has not had active service in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to September 16, 1940, and every male person not included in the first or the second of the priorities defined in section 4(i)(2) of the Selective Service Act of 1948, as amended [now the Military Selective Service Act, formerly subsec. (i)(2) of this section], who has had active service in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to September 16, 1940, who on the day or any of the days hereafter fixed by the Director of Selective Service for his registration (a) shall have received from a school, college, university, or similar institution of learning one or more of the degrees of bachelor of medicine, doctor of medicine, doctor of dental surgery, doctor of dental medicine, doctor of veterinary surgery, and doctor of veterinary medicine, (b) is within any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, (c) is not a member of any reserve component of the armed forces of the United States, and (d) shall not have attained the fiftieth anniversary of the day of his birth is required to and shall on that day or any of those days present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in

which he may happen to be on that day or any of those days.

4. The Director of Selective Service is hereby authorized and directed to fix the date or dates for the special registration required under paragraph numbered 3 hereof: *Provided*, that the date or dates so fixed shall be not later than January 16, 1951.

5. The Director of Selective Service is hereby authorized to require special registration of, and fix the date or dates of registration for, all other persons who are subject to registration under section 4(i) of the Selective Service Act of 1948, as amended [subsection (i) of this section], and who are not required to register under or pursuant to this proclamation.

6. All orders and directives of the Director of Selective Service issued pursuant to paragraph numbered 4 or paragraph numbered 5 hereof shall be published in the Federal Register.

7. (a) A person subject to registration under or pursuant to this proclamation who, because of circumstances beyond his control, is unable to present himself for and submit to registration during the hours of the day or any of the days fixed for registration shall do so as soon as possible after the cause for such inability ceases to exist.

(b) Every person subject to registration under or pursuant to this proclamation who has registered in accordance with Proclamation No. 2799 of July 20, 1948 [formerly set out under section 453 of this Appendix], issued under the Selective Service Act of 1948, as amended, [now the Military Selective Service Act] and the regulations prescribed thereunder, shall, notwithstanding such registration, present himself for and submit to registration as required by or pursuant to this proclamation.

(c) The duty of any person to present himself for and submit to registration in accordance with Proclamation No. 2799 of July 20, 1948, issued under the Selective Service Act of 1948, as amended [now the Military Selective Service Act] and the regulations prescribed thereunder, shall not be affected by this proclamation.

8. Every person subject to registration under or pursuant to this proclamation is required to familiarize himself with the rules and regulations governing such registration and to comply therewith.

9. I call upon the Governors of each of the several States, the Territories of Alaska and Hawaii, Puerto Rico, and the Virgin Islands and the Board of Commissioners of the District of Columbia, and all officers and agents of the United States and all officers and agents of the several States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia, and political subdivisions thereof, and all local boards and agents thereof appointed under the provisions of title I of the Selective Service Act of 1948, as amended [now the Military Selective Service Act, sections 451 to 471a of this Appendix], or the regulations prescribed thereunder, to do and perform all acts and services necessary to accomplish effective and complete registration.

10. In order that there may be full cooperation in carrying into effect the purposes of section 4(i) of title I of the Selective Service Act of 1948, as amended [now the Military Selective Service Act, formerly subsec. (i) of this section], I urge all employers and Government agencies of all kinds—Federal, State, territorial, and local—to give those under their charge sufficient time in which to fulfill the obligations of registration incumbent upon them under the said Act and under or pursuant to this proclamation.

#### PROC. NO. 2915. EXEMPTIONS FROM REGISTRATION

Proc. No. 2915, Dec. 28, 1950, 15 F.R. 9419, 64 Stat. 494, provided:

Proclamation No. 2906 of October 6, 1950 [set out above], be, and it is hereby, amended, effective as of October 6, 1950, so as to exempt from the force and effect thereof, until otherwise directed by the President by proclamation, (1) commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of

the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service, and (2) aliens who are residing in the United States and have not declared their intention of becoming citizens of the United States and who are also in one of the following categories: (a) alien students admitted under subdivision (e) of section 4 of the Immigration Act approved May 26, 1924, as amended [former section 204 of Title 8 Aliens and Nationality], (b) aliens recognized as diplomatic, consular, military or civilian officials or employees of a foreign government and members of their families, (c) aliens who are officials or employees of a public international organization recognized under the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669) [22 U.S.C. 288 et seq.], and members of their families, (d) aliens who have entered the United States and remain therein pursuant to the provisions of section 11 of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, as approved in Public Law 357, 80th Congress (61 Stat. 756) [set out as a note under section 287 of Title 22, Foreign Relations and Intercourse], (e) aliens who are nationals of a country with which there is in effect a treaty or international agreement exempting its nationals from military service while they are within the United States, or (f) other aliens whose admission to the United States is for a temporary stay only: *Provided*, That such exemption shall not continue after the cause thereof shall cease to exist.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 455, 456, 458, 459, 465 of this Appendix; title 8 section 1101; title 10 section 671.

#### §§ 454a, 454b. Omitted

##### CODIFICATION

Section 454a, acts Sept. 9, 1950, ch. 939, § 4, 64 Stat. 828; June 29, 1953, ch. 158, § 3, 67 Stat. 88; June 18, 1954, ch. 307, 68 Stat. 254; June 30, 1955, ch. 250, title II, § 201, 69 Stat. 224, which provided for promotion of physicians, dentists, and allied specialist categories, period of service, and discharge and resignation of such personnel, expired on June 30, 1957. See sections 451 and 455 of this Appendix.

Section 454b, act Sept. 9, 1950, ch. 939, § 6, 64 Stat. 828, which defined "allied specialist categories" as used in sections 454(i) and 454a of this Appendix, expired on June 30, 1957.

##### TERMINATION DATE

Section 7 of act Sept. 9, 1950, as amended by acts June 19, 1951, ch. 144, title I, § 2(b), 65 Stat. 88; June 29, 1953, § 9; June 30, 1955, § 201 and by Pub. L. 85-62, § 8, June 27, 1957, 71 Stat. 208, provided that sections 454a and 454b of this Appendix shall terminate as of June 30, 1957.

#### §§ 454c, 454d. Omitted

Section 454c, act June 29, 1953, ch. 158, § 4, 67 Stat. 88, provided for release, discharge, or resignation of special registrants who made application therefor on or before 90th day after June 29, 1953.

Section 454d, act June 29, 1953, ch. 158, § 5, 67 Stat. 89, provided for extension of reserve commissions of certain doctors, dentists, and other special registrants.

#### § 454e. Volunteer service of physicians and dentists; minimum period

Any physician or dentist who meets the qualifications for a reserve commission in the respective military departments shall, so long as there is a need for the services of such a physician or dentist, be afforded an opportunity to volunteer for a period of active duty of not less than twenty-four months.

Any physician or dentist who so volunteers his service, and meets the qualifications for a reserve commission shall be ordered to active duty for not less than twenty-four months, notwithstanding the grade or rank to which such physician or dentist is entitled under the provisions of the Act of September 9, 1950, as amended.

(June 29, 1953, ch. 158, § 7, 67 Stat. 89.)

##### REFERENCES IN TEXT

Act of September 9, 1950, as amended, referred to in text, is act Sept. 9, 1950, ch. 939, 64 Stat. 826, as amended. Section 7 of the Act, as amended (71 Stat. 208), provided that the Act, except for sections 3 and 5, shall terminate as of June 30, 1957. Section 3 of the Act amended section 202 of the National Security Act of 1947, by adding subsections (g) to (i) which were classified to section 171a(g) to (i) of former Title 5 and which were later omitted from the Code following the codification of section 202(a) to (f) and (j) of the National Security Act of 1947 in Title 10, Armed Forces, by Pub. L. 87-651, Sept. 7, 1972, 76 Stat. 506. Section 5 of the Act was classified to section 234b of former Title 37, and was later omitted from the Code following the enactment of Title 37, Pay and Allowances of the Uniformed Services, by Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 451.

##### CODIFICATION

Section was not enacted as part of the Military Selective Service Act, title I of which comprises sections 451 to 471a of this Appendix.

#### § 455. Manner of selection of men for training and service; quotas

(a)(1) The selection of persons for training and service under section 4 [section 454 of this Appendix] shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from the persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted: *Provided*, That in the selection of persons for training and service under this title [sections 451 to 471a of this Appendix], and in the interpretation and execution of the provisions of this title [said sections], there shall be no discrimination against any person on account of race or color: *Provided further*, That in the classification of registrants within the jurisdiction of any local board, the registrants of any particular registration may be classified, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after the registrants of any prior registration or registrations; and in the selection for induction of persons within the jurisdiction of any local board and within any particular classification, persons who were registered at any particular registration may be selected, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after persons who were registered at any prior registration or registrations: *And provided further*, That nothing herein shall be construed to prohibit the selection or induction of persons by age group or groups under rules and regulations prescribed by the President: *And provided further*, That—

(1) no local board shall order for induction for training and service in the Armed Forces

of the United States any person who has not attained the age of nineteen unless there is not within the jurisdiction of such local board a sufficient number of persons who are deemed by such local board to be available for induction and who have attained the age of nineteen to enable such local board to meet a call for men which it has been ordered to furnish for induction;

(2) no local board shall order for induction for training and service in the Armed Forces of the United States any person who has not attained the age of nineteen, if there is any person within the jurisdiction of such local board who (i) is as much as ninety days older, (ii) has not attained the age of nineteen, and (iii) is deemed by the local board to be available for induction; and

(3) no local board shall order for induction for training and service in the Armed Forces of the United States an alien unless such alien shall have resided in the United States for one year.

(2) Repealed. Pub. L. 91-124, §2, Nov. 26, 1969, 83 Stat. 220.

(b) Quotas of men to be inducted for training and service under this title [sections 451 to 471a of this Appendix] shall be determined for each State, Territory, possession, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, possessions, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification, except that credits shall be given in fixing such quotas for residents of such subdivisions who are in the armed forces of the United States on the date fixed for determining such quotas. After such quotas are fixed, credits shall be given in filling such quotas for residents of such subdivisions who subsequently become members of such forces. Until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates, and subsequent adjustments therein shall be made when such actual numbers are known. All computations under this subsection shall be made in accordance with such rules and regulations as the President may prescribe.

(c) Terminated

(d) Whenever the President has provided for the selection of persons for training and service in accordance with random selection under subsection (a) of this section, calls for induction may be placed under such rules and regulations as he may prescribe, notwithstanding the provisions of subsection (b) of this section.

(e) Notwithstanding any other provision of this Act, not more than 130,000 persons may be inducted into the Armed Forces under this Act in the fiscal year ending June 30, 1972, and not more than 140,000 in the fiscal year ending June 30, 1973, unless a number greater than that authorized in this subsection for such fiscal year or years is authorized by a law enacted after the date of enactment of this subsection [Sept. 28, 1971].

(June 24, 1948, ch. 625, title I, §5, 62 Stat. 608; June 19, 1951, ch. 144, title I, §1(k), 65 Stat. 83;

Pub. L. 85-62, §§4, 5, June 27, 1957, 71 Stat. 207; Pub. L. 90-40, §1(3), June 30, 1967, 81 Stat. 100; Pub. L. 91-124, §2, Nov. 26, 1969, 83 Stat. 220; Pub. L. 92-129, title I, §101(a)(8), (9), Sept. 28, 1971, 85 Stat. 349.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (e), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, known as the Military Selective Service Act. For complete classification of this Act to the Code, see References in Text note set out under section 451 of this Appendix and Tables.

#### AMENDMENTS

1971—Subsec. (a)(1). Pub. L. 92-129, §101(a)(8), added cl. (3) covering induction orders for aliens residing in the United States for one year, to last proviso.

Subsecs. (d), (e). Pub. L. 92-129, §101(a)(9), added subsecs. (d) and (e).

1969—Subsec. (a). Pub. L. 91-124 repealed cl. (2) which prohibited President from effecting any change in method of determining relative order of induction.

1967—Subsec. (a). Pub. L. 90-40 designated existing provisions as par. (1) and added par. (2).

1957—Subsec. (a). Pub. L. 85-62, §§4, 9, temporarily, substituted third and fourth provisos for former third proviso "that nothing herein shall be construed to prohibit the selection or induction of persons by age group or groups under rules and regulations prescribed by the President:". See Effective and Termination Dates of 1957 Amendment note below.

Subsec. (c). Pub. L. 85-62, §§5, 9, temporarily added subsec. (c). See Effective and Termination Dates of 1957 Amendment note below.

1951—Subsec. (a). Act June 19, 1951, inserted last two provisos.

#### EFFECTIVE AND TERMINATION DATES OF 1957 AMENDMENT

Amendment by Pub. L. 85-62 to take effect on July 1, 1957, and terminate on July 1, 1973, see section 9 of Pub. L. 85-62, set out as a note under section 454 of this Appendix.

#### PROC. NO. 3945. RANDOM SELECTION FOR MILITARY SERVICE

Proc. No. 3945, Nov. 26, 1969, 34 F.R. 19017, 83 Stat. 972, provided:

WHEREAS section 5(a)(1) of the Military Selective Service Act of 1967, as amended (50 U.S.C. App. 455(a)(1)) [now the Military Selective Service Act], provides that selection of persons for training and service under that Act shall be made in an impartial manner without discrimination on account of race or color, under such rules and regulations as the President may prescribe; and

WHEREAS section 5(a)(2) of that Act (50 U.S.C. App. 455(a)(2)) limited the President's authority to prescribe rules and regulations by requiring, in effect, the selection of registrants through a method known as "oldest first"; and

WHEREAS such section 5(a)(2) has been repealed by Public Law 91-124 of November 26, 1969:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by section 5(a) of the Military Selective Service Act of 1967, as amended, and having determined that a method of random selection will provide the most equitable basis for selection of registrants for military training and service, do hereby proclaim the following:

That a random selection sequence will be established by a drawing to be conducted in Washington, D.C., on December 1, 1969, and will be applied nationwide. The random selection method will use 366 days to represent the birthdays (month and day only) of all registrants who, prior to January 1, 1970, shall have attained their

nineteenth year of age but not their twenty-sixth. The drawing, commencing with the first day selected and continuing until all 366 days are drawn, shall be accomplished impartially.

On the day designated above, a supplemental drawing or drawings will be conducted to determine alphabetically the random selection sequence by name among registrants who have the same birthday.

The random selection sequence obtained as described above shall determine the order of selection of registrants who prior to January 1, 1970, shall have attained their nineteenth year of age but not their twenty-sixth and who are not volunteers and not delinquents. New random selection sequences shall be established, in a similar manner, for registrants who attain their nineteenth year of age on or after January 1, 1970.

The random sequence number determined for any registrant shall apply to him so long as he remains subject to induction for military training and service by random selection.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of November, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

RICHARD NIXON.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 454, 456 of this Appendix.

#### § 456. Deferments and exemptions from training and service

(a)(1) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and the Environmental Science Services Administration;<sup>1</sup> cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Air Force Academy; cadets, United States Coast Guard Academy; midshipmen, Merchant Marine Reserve, United States Naval Reserves; students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense; members of the reserve components of the Armed Forces and the Coast Guard, while on active duty; and foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President who are not citizens of the United States, shall not be required to be registered under section 3 [section 453 of this Appendix] and shall be relieved from liability for training and service under section 4 [section 454 of this Appendix], except that aliens admitted for permanent residence in the United States shall not be so exempted: *Provided*, That any alien lawfully admitted for permanent residence as defined in paragraph (20) of section 101(a) of the Immigration and Nationality Act, as amended (66 Stat. 163, 8 U.S.C. 1101), and who by reason of occupational status is subject to adjustment to nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) of such section 101(a) [8 U.S.C. 1101(a)(15)(A), (E), or (G)] but who executes a

waiver in accordance with section 247(b) of that Act [8 U.S.C. 1257(b)] of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status, shall be subject to registration under section 3 of this Act [section 453 of this Appendix], but shall be deferred from induction for training and service for so long as such occupational status continues. Any person who subsequent to June 24, 1948, serves on active duty for a period of not less than twelve months in the armed forces of a nation with which the United States is associated in mutual defense activities as defined by the President, may be exempted from training and service, but not from registration, in accordance with regulations prescribed by the President, except that no such exemption shall be granted to any person who is a national of a country which does not grant reciprocal privileges to citizens of the United States: *Provided*, That any active duty performed prior to June 24, 1948, by a person in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities, shall be credited in the computation of such twelve-month period: *Provided further*, That any person who is in a medical, dental, or allied specialist category not otherwise deferred or exempted under this subsection shall be liable for registration and training and service until the thirty-fifth anniversary of the date of his birth.

(2) Commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service while on active duty and assigned to staff the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or assigned to the Coast Guard, the Bureau of Prisons, Department of Justice, the Environmental Protection Agency, or the Environmental Science Services Administration<sup>1</sup> or who are assigned to assist Indian tribes, groups, bands, or communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended [42 U.S.C. 2001 et seq.], shall not be required to be registered under section 3 [section 453 of this Appendix] and shall be relieved from liability for training and service under section 4 [section 454 of this Appendix]. Notwithstanding the preceding sentence, commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service who, prior to the enactment of this paragraph [June 30, 1967], had been detailed or assigned to duty other than that specified in the preceding sentence shall not be required to be registered under section 3 [section 453 of this Appendix] and shall be relieved from liability for training and service under section 4 [section 454 of this Appendix].

(b)(1) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title [June 24, 1948] for a period of twelve months or more, or between December 7, 1941, and September 2, 1945, for a period in excess of ninety days, in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to Septem-

<sup>1</sup> See Transfer of Functions note below.

ber 2, 1945, shall be liable for induction for training and service under this title [sections 451 to 471a of this Appendix], except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title [June 24, 1948].

(2) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title [June 24, 1948] for a period of ninety days or more but less than twelve months in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title [sections 451 to 471a of this Appendix], except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title [June 24, 1948], if—

(A) the local board determines that he is regularly enlisted or commissioned in any organized unit of a reserve component of the armed force in which he served, provided such unit is reasonably accessible to such person without unduly interrupting his normal pursuits and activities (including attendance at a college or university in which he is regularly enrolled), or in a reserve component (other than in an organized unit) of such armed force in any case in which enlistment or commission in an organized unit of a reserve component of such armed force is not available to him; or

(B) the local board determines that enlistment or commission in a reserve component of such armed force is not available to him or that he has voluntarily enlisted or accepted appointment in an organized unit of a reserve component of an armed force other than the armed force in which he served.

Nothing in this paragraph shall be deemed to be applicable to any person to whom paragraph (1) of this subsection is applicable.

(3) Except as provided in section 5(a) of this Act [section 455(a) of this Appendix], and notwithstanding any other provision of this Act, no person who (A) has served honorably on active duty after September 16, 1940, for a period of not less than one year in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or (B) subsequent to September 16, 1940, was discharged for the convenience of the Government after having served honorably on active duty for a period of not less than six months in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or (C) has served for a period of not less than twenty-four months (i) as a commissioned officer in the Public Health Service or (ii) as a commissioned officer in the Coast and Geodetic Survey,<sup>2</sup> shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title [June 24, 1948].

(4) No person who is honorably discharged upon the completion of an enlistment pursuant

to section 4(c) [section 454(c) of this Appendix] shall be liable for induction for training and service under this title [sections 451 to 471a of this Appendix], except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title [June 24, 1948].

(5) For the purposes of computation of the periods of active duty referred to in paragraphs (1), (2), or (3) of this subsection, no credit shall be allowed for—

(A) periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes;

(B) periods of active duty in which the service consisted solely of training under the Army specialized training program, the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(C) periods of active duty as a cadet at the United States Military Academy or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of such academies; or

(D) periods of active duty in any of the armed forces while being processed for entry into or separation from any educational program or institution referred to in paragraphs (B) or (C);

(c)(1) Persons who, on February 1, 1951, were members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve, shall, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense, be exempt from training and service by induction under the provisions of this title [sections 451 to 471a of this Appendix], but shall not be exempt from registration unless on active duty.

(2)(A) Any person, other than a person referred to in subsection (d) of this section, who—

(i) prior to the issuance of orders for him to report for induction; or

(ii) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any organized unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title [sections 451 to 471a of this Appendix]; or

(iii) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title [sections 451 to 471a of this Appendix];

<sup>2</sup> See Transfer of Functions note below.

enlists or accepts appointment, before attaining the age of 26 years, in the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard, shall be deferred from training and service under this title [sections 451 to 471a of this Appendix] so long as he serves satisfactorily as a member of an organized unit of such Reserve or National Guard in accordance with section 10147 of title 10 or section 502 of title 32, United States Code, as the case may be, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense. Enlistments or appointments under subparagraphs (ii) and (iii) of this clause may be accepted notwithstanding the provisions of section 15(d) of this title [section 465(d) of this Appendix]. Notwithstanding the provisions of subsection (h) of this section, no person deferred under this clause who has completed six years of such satisfactory service as a member of the Ready Reserve or National Guard, and who during such service has performed active duty for training with an armed force for not less than twelve consecutive weeks, shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress after August 9, 1955. In no event shall the number of enlistments or appointments made under authority of this paragraph in any fiscal year in any Reserve component of the Armed Forces or in the Army National Guard or the Air National Guard cause the personnel strength of such Reserve component or the Army National Guard or the Air National Guard, as the case may be, to exceed the personnel strength for which funds have been made available by the Congress for such fiscal year.

(B) A person who, under any provision of law, is exempt or deferred from training and service under this Act by reason of membership in a reserve component, the Army National Guard, or the Air National Guard, as the case may be, shall, if he becomes a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, continue to be exempt or deferred to the same extent as if he had not become a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, so long as he continues to serve satisfactorily.

(C) Except as provided in subsection (b) and the provisions of this subsection, no person who becomes a member of a reserve component after February 1, 1951, shall thereby be exempt from registration or training and service by induction under the provisions of this Act.

(D) Notwithstanding any other provision of this Act, the President, under such rules and regulations as he may prescribe, may provide that any person enlisted or appointed after October 4, 1961, in the Ready Reserve of any reserve component of the Armed Forces (other than under section 12103 of title 10, United States Code), the Army National Guard, or the Air National Guard, prior to attaining age of twenty-six years, or any person enlisted or appointed in the Army National Guard or the Air National Guard or enlisted in the Ready Reserve

of any reserve component prior to attaining the age of eighteen years and six months and deferred under the prior provisions of this paragraph as amended by the Act of October 4, 1961, Public Law 87-378 (75 Stat. 807), or under section 262 of the Armed Forces Reserve Act of 1952, as amended [50 U.S.C. 1013], who fails to serve satisfactorily during his obligated period of service as a member of such Ready Reserve or National Guard or the Ready Reserve of another reserve component or the National Guard of which he becomes a member, may be selected for training and service and inducted into the armed force of which such reserve component is a part, prior to the selection and induction of other persons liable therefor.

(d)(1) Within such numbers as may be prescribed by the Secretary of Defense, any person who (A) has been or may hereafter be selected for enrollment or continuance in the senior division, Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps, or the naval and Marine Corps officer candidate training program established by the Act of August 13, 1946 (60 Stat. 1057), as amended, or the Reserve officers' candidate program of the Navy, or the platoon leaders' class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or appointed an ensign, United States Naval Reserve, while undergoing professional training; (B) agrees, in writing, to accept a commission, if tendered, and to serve, subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of Transportation with respect to the United States Coast Guard), not less than two years on active duty after receipt of a commission; and (C) agrees to remain a member of a regular or reserve component until the eighth anniversary of the receipt of a commission in accordance with his obligation under the first sentence of section 651 of title 10, United States Code, or until the sixth anniversary of the receipt of a commission in accordance with his obligation under the second sentence of section 651 of title 10, United States Code, shall be deferred from induction under this title [sections 451 to 471a of this Appendix] until after completion or termination of the course of instruction and so long as he continues in a regular or reserve status upon being commissioned, but shall not be exempt from registration. Such persons, except those persons who have previously completed an initial period of military training or an equivalent period of active military training and service, shall be required while enrolled in such programs to complete a period of training equal (as determined under regulations approved by the Secretary of Defense or the Secretary of Transportation with respect to the United States Coast Guard) in duration and type of training to an initial period of military training. There shall be added to the obligated active commissioned service of any person who has agreed to perform such obligatory service in return for financial assistance while attending a civilian college under any such training program a period of not to exceed one year. Except as provided in paragraph (5), upon the successful completion by any person of

the required course of instruction under any program listed in clause (A) of the first sentence of this paragraph, such person shall be tendered a commission in the appropriate reserve component of the Armed Forces if he is otherwise qualified for such appointment. If, at the time of, or subsequent to, such appointment, the armed force in which such person is commissioned does not require his service on active duty in fulfillment of the obligation undertaken by him in compliance with clause (B) of the first sentence of this paragraph, such person shall be ordered to active duty for training with such armed force in the grade in which he was commissioned for a period of active duty for training of not more than six months (not including duty performed under section 10147 of title 10, United States Code), as determined by the Secretary of the military department concerned to be necessary to qualify such person for a mobilization assignment. Upon being commissioned and assigned to a reserve component, such person shall be required to serve therein, or in a reserve component of any other armed force in which he is later appointed, until the eighth anniversary of the receipt of such commission pursuant to the provisions of this section. So long as such person performs satisfactory service, as determined under regulations prescribed by the Secretary of Defense, he shall be deferred from training and service under the provisions of this Act. If such person fails to perform satisfactory service, and such failure is not excused under regulations prescribed by the Secretary of Defense, his commission may be revoked by the Secretary of the military department concerned.

(2) In addition to the training programs enumerated in paragraph (1) of this subsection, and under such regulations as the Secretary of Defense (or the Secretary of the Treasury<sup>3</sup> with respect to the United States Coast Guard) may approve, the Secretaries of the military departments and the Secretary of the Treasury<sup>3</sup> are authorized to establish officer candidate programs leading to the commissioning of persons on active duty. Any person heretofore or hereafter enlisted in the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, or the Coast Guard Reserve who thereafter has been or may be commissioned therein upon graduation from an Officers' Candidate School of such Armed Force shall, if not ordered to active duty as a commissioned officer, be deferred from training and service under the provisions of this Act so long as he performs satisfactory service as a commissioned officer in an appropriate unit of the Ready Reserve, as determined under regulations prescribed by the Secretary of the department concerned. If such person fails to perform satisfactory service in such unit, and such failure is not excused under such regulations, his commission may be revoked by such Secretary.

(3) Nothing in this subsection shall be deemed to preclude the President from providing, by regulations prescribed under subsection (h) of this section, for the deferment from training and service of any category or categories of students for such periods of time as he may deem appropriate.

(4) Omitted.

(5) Notwithstanding paragraph (1), upon the successful completion by any person of the required course of instruction under any Reserve Officers' Training Corps program listed in clause (A) of the first sentence of paragraph (1) and subject to the approval of the Secretary of the military department having jurisdiction over him, such person may, without being relieved of his obligation under that sentence, be tendered, and accept, a commission in the National Oceanic and Atmospheric Administration instead of a commission in the appropriate reserve component of the Armed Forces. If he does not serve on active duty as a commissioned officer of the National Oceanic and Atmospheric Administration for at least six years, he shall, upon discharge therefrom, be tendered a commission in the appropriate reserve component of the Armed Forces, if he is otherwise qualified for such appointment, and, in fulfillment of his obligation under the first sentence of paragraph (1), remain a member of a reserve component until the sixth anniversary of the receipt of his commission in the National Oceanic and Atmospheric Administration. While a member of a reserve component he may, in addition to as otherwise provided by law, be ordered to active duty for such period that, when added to the period he served on active duty as a commissioned officer of the National Oceanic and Atmospheric Administration, equals two years.

(e) Fully qualified and accepted aviation cadet applicants of the Army, Navy, or Air Force who have signed an agreement of service shall, in such numbers as may be designated by the Secretary of Defense, be deferred, during the period covered by the agreement but not to exceed four months, from induction for training and service under this title [sections 451 to 471a of this Appendix] but shall not be exempt from registration.

(f) The Vice President of the United States; the governors of the several States, Territories, and possessions, and all other officials chosen by the voters of the entire State, Territory, or possession; members of the legislative bodies of the United States and of the several States, Territories, and possessions; judges of the courts of record of the United States and of the several States, Territories, possessions, and the District of Columbia shall, while holding such offices, be deferred from training and service under this title [sections 451 to 471a of this Appendix] in the armed forces of the United States.

(g)(1) Regular or duly ordained ministers of religion, as defined in this title [sections 451 to 471a of this Appendix], shall be exempt from training and service, but not from registration, under this title [said sections].

(2) Students preparing for the ministry under the direction of recognized churches or religious organizations, who are satisfactorily pursuing full-time courses of instruction in recognized theological or divinity schools, or who are satisfactorily pursuing full-time courses of instruction leading to their entrance into recognized theological or divinity schools in which they have been preenrolled, shall be deferred from training and service, but not from registration, under this title [sections 451 to 471a of this Ap-

<sup>3</sup> See Transfer of Functions note below.

pendix]. Persons who are or may be deferred under the provisions of this subsection shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act [section 454(a) of this Appendix] until the thirty-fifth anniversary of the date of their birth. The foregoing sentence shall not be construed to prevent the exemption or continued deferment of such persons if otherwise exempted or deferrable under any other provision of this Act.

(h) Except as otherwise provided in this subsection the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose continued service in an Office (other than an Office described in subsection (f)) under the United States or any State, territory, or possession, or the District of Columbia, or whose activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest: *Provided*, That no person within any such category shall be deferred except upon the basis of his individual status: *Provided further*, That persons who are or may be deferred under the provisions of this section shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act [section 454(a) of this Appendix] until the thirty-fifth anniversary of the date of their birth. This proviso shall not be construed to prevent the continued deferment of such persons if otherwise deferrable under any other provisions of this Act. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable, because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or

all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those persons who have been classified by such local board. The President may, in carrying out the provisions of this title [sections 451 to 471a of this Appendix], recommend criteria for the classification of persons subject to induction under this title [said sections], and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable; except that no local board, appeal board, or other agency of appeal of the Selective Service System shall be required to postpone or defer any person by reason of his activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors found to be necessary to the maintenance of the national health, safety, or interest solely on the basis of any test, examination, selection system, class standing, or any other means conducted, sponsored, administered, or prepared by any agency or department of the Federal Government, or any private institution, corporation, association, partnership, or individual employed by an agency or department of the Federal Government.

(i)(1) Any person who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning and is issued an order for induction shall, upon the facts being presented to the local board, have his induction postponed (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest. Notwithstanding the preceding sentence, any person who attains the twentieth anniversary of his birth after beginning his last academic year of high school shall have his induction postponed until the end of that academic year if and so long as he continues to pursue satisfactorily a full-time course of instruction.

(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title [sections 451 to 471a of this Appendix], shall, upon the appropriate facts being presented to the local board, have his induction postponed (A) until the end of the semester or term, or academic year in the case of his last academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier.

(j) Nothing contained in this title [sections 451 to 471a of this Appendix] shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this

subsection, the term “religious training and belief” does not include essentially political, sociological, or philosophical views, or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the armed forces under this title [said sections], be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) [section 454(b) of this Appendix] such civilian work contributing to the maintenance of the national health, safety, or interest as the Director may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed, for the purposes of section 12 of this title [section 462 of this Appendix], to have knowingly failed or neglected to perform a duty required of him under this title [said sections]. The Director shall be responsible for finding civilian work for persons exempted from training and service under this subsection and for the placement of such persons in appropriate civilian work contributing to the maintenance of the national health, safety, or interest.

(k) No exception from registration, or exemption or deferment from training and service, under this title [sections 451 to 471a of this Appendix], shall continue after the cause therefor ceases to exist.

(l) Notwithstanding any other provisions of law, no person between the ages of eighteen and twenty-one shall be discharged from service in the armed forces of the United States while this title [sections 451 to 471a of this Appendix] is in effect because such person entered such service without the consent of his parent or guardian.

(m) No person shall be relieved from training and service under this title [sections 451 to 471a of this Appendix] by reason of conviction of a criminal offense, except where the offense of which he has been convicted may be punished by death, or by imprisonment for a term exceeding one year.

(n) In the case of any registrant whose principal place of employment is located outside the appeal board area in which the local board having jurisdiction over the registrant is located, any occupational deferment made under subsection (h) of this section may, within five days after such deferment is made, be submitted for review and decision to the appeal board having jurisdiction over the area in which is located the principal place of employment of the registrant. Such decision of the appeal board shall be final unless modified or changed by the President, and such decision shall be made public.

(o) Except during the period of a war or a national emergency declared by Congress, no person may be inducted for training and service under this title [sections 451 to 471a of this Appendix] unless he volunteers for such induction—

(1) if the father or the mother or a brother or a sister of such person was killed in action

or died in line of duty while serving in the Armed Forces after December 31, 1959, or died subsequent to such date as a result of injuries received or disease incurred in line of duty during such service, or

(2) during any period of time in which the father or the mother or a brother or a sister of such person is in a captured or missing status as a result of such service.

As used in this subsection, the term “brother” or “sister” means a brother of the whole blood or a sister of the whole blood, as the case may be.

(June 24, 1948, ch. 625, title I, § 6, 62 Stat. 609; Sept. 27, 1950, ch. 1059, § 1(6), 64 Stat. 1074; June 19, 1951, ch. 144, title I, § 1(7)–(q), 65 Stat. 83; June 30, 1955, ch. 250, title I, § 101, 69 Stat. 223; Aug. 9, 1955, ch. 665, § 3(b)–(d), 69 Stat. 603, 604; Pub. L. 85–62, §§ 6, 7, June 27, 1957, 71 Stat. 208; Pub. L. 85–722, Aug. 21, 1958, 72 Stat. 711; Pub. L. 87–378, § 1, Oct. 4, 1961, 75 Stat. 807; Pub. L. 87–536, July 18, 1962, 76 Stat. 167; Pub. L. 88–110, § 2, Sept. 3, 1963, 77 Stat. 134; Pub. L. 88–360, July 7, 1964, 78 Stat. 296; Pub. L. 90–40, § 1(4)–(7), June 30, 1967, 81 Stat. 100–102, 104; Pub. L. 91–604, § 15(b)(8)(B), Dec. 31, 1970, 84 Stat. 1712; Pub. L. 92–129, title I, § 101(a)(10)–(22), Sept. 28, 1971, 85 Stat. 349–351; Pub. L. 93–638, title I, § 104(c), formerly § 105(c), Jan. 4, 1975, 88 Stat. 2208, renumbered § 104(c), Pub. L. 100–472, title II, § 203(a), Oct. 5, 1988, 102 Stat. 2290; Pub. L. 94–106, title VIII, § 802(d), Oct. 7, 1975, 89 Stat. 537; Pub. L. 96–584, § 3(a), Dec. 23, 1980, 94 Stat. 3377; Pub. L. 98–525, title XV, § 1531, Oct. 19, 1984, 98 Stat. 2631; Pub. L. 103–337, div. A, title XVI, § 1677(f), Oct. 5, 1994, 108 Stat. 3020.)

#### REFERENCES IN TEXT

Act of August 5, 1954 (68 Stat. 674), as amended, referred to in subsec. (a)(2), is act Aug. 5, 1954, ch. 658, 68 Stat. 674, as amended, which is classified generally to subchapter I (§2001 et seq.) of chapter 22 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

This Act, referred to in subsecs. (a)(3), (b)(3), (c)(2)(A) to (D), (d)(1), (2), (g)(2), and (h), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, known as the Military Selective Service Act. For complete classification of this Act to the Code, see References in Text note set out under section 451 of this Appendix and Tables.

Section 262 of the Armed Forces Reserve Act of 1952, as amended [50 U.S.C. 1013], referred to in subsec. (c)(2)(D), was repealed by Pub. L. 88–110, § 1, Sept. 3, 1963, 77 Stat. 134.

Act of August 13, 1946 (60 Stat. 1057), as amended, referred to in subsec. (d)(1), is act Aug. 13, 1946, ch. 962, 60 Stat. 1057, as amended. The Act was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641, section 1 of which enacted Title 10, Armed Forces. Provisions of the 1946 Act relating to the naval and Marine Corps officer candidate training program were reenacted in sections 6903 to 6908 of Title 10. Sections 6903 to 6908 of Title 10 were repealed by Pub. L. 88–647, § 301(17), Oct. 13, 1964, 78 Stat. 1072, and replaced by chapters 102 and 103 of Title 10.

#### AMENDMENTS

1994—Subsec. (c)(2)(A). Pub. L. 103–337, § 1677(f)(1), substituted “section 10147 of title 10” for “section 270 of title 10” in concluding provisions.

Subsec. (c)(2)(D). Pub. L. 103–337, § 1677(f)(2), substituted “section 12103 of title 10” for “section 511(b) of title 10”.

Subsec. (d)(1). Pub. L. 103–337, § 1677(f)(3), substituted “section 10147 of title 10” for “section 270(a) of title 10”.

1984—Subsec. (o). Pub. L. 98-525 inserted reference to mother in cls. (1) and (2), exempting from induction any person whose mother was killed in line of duty.

1980—Subsec. (d)(1). Pub. L. 96-584 struck out minimum active duty requirement of not less than three months.

1975—Subsec. (a)(2). Pub. L. 93-638 inserted provision relating to assignment of personnel to assist Indian tribes, groups, bands or communities.

Subsec. (c)(2)(A). Pub. L. 94-106, in provisions relating to deferment of certain persons from induction who completed six years of active service as members of the Ready Reserve or National Guard, substituted requirement of performance of active duty for training with an armed force for not less than twelve consecutive weeks during such service for requirement of performance of such active duty for not less than four consecutive months.

1971—Subsec. (a)(1). Pub. L. 92-129, §101(a)(10), (11), inserted proviso making subject to registration an alien lawfully admitted for permanent residence who by reason of occupational status is subject to adjustment to non-immigrant status but who executes a waiver of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status, and granting a deferment from induction to such alien for so long as such occupational status continues, and substituted “twelve months” for “eighteen months” as the period of requisite service in the armed forces of a nation with which the United States is associated in mutual defense activities in order to gain an exemption from training and service.

Subsec. (b)(3). Pub. L. 92-129, §101(a)(12), substituted reference to “section 5(a) of this Act [section 455(a) of this Appendix] for reference to “section 4(i) of this Act [section 454(i) of this Appendix]”.

Subsec. (b)(4). Pub. L. 92-129, §101(a)(13), struck out reference to section 4(g) [section 454(g) of this Appendix].

Subsec. (d)(1). Pub. L. 92-129, §101(a)(14), substituted “Secretary of Transportation” for “Secretary of the Treasury” and “section 651 of Title 10” for “section 4(d)(3) of this Act”, respectively.

Subsec. (d)(5). Pub. L. 92-129, §101(a)(15), reflected creation of National Oceanic and Atmospheric Administration and transfer to such newly created Administration of former Coast and Geodetic Survey.

Subsec. (g). Pub. L. 92-129, §101(a)(16), changed from an exemption to a deferment the status to be accorded divinity students, with such students to remain liable for training and service until their 35th birthday.

Subsec. (h). Pub. L. 92-129, §101(a)(17), (18), struck out provisions formerly designated as par. (1) which had covered college student deferments, struck the designation “(2)” preceding the remaining provisions which had theretofore been designated par. (2), and, in such provisions, struck out reference to deferments for persons engaged in graduate study.

Subsec. (i)(1). Pub. L. 92-129, §101(a)(19), substituted provisions allowing a postponement of induction for high school students for provisions creating a deferment for such students and inserted provisions allowing an additional postponement of induction until the end of the academic year for high school students who turn 20 during their last year of high school provided that they continue to pursue satisfactorily a full-time course of instruction.

Subsec. (i)(2). Pub. L. 91-129, §101(a)(20), substituted provisions allowing a postponement of induction for college students for provisions creating a deferment for such students and struck out references to previous deferments and postponements and to the President’s former authority to allow for student deferments.

Subsec. (j). Pub. L. 92-129, §101(a)(21), substituted “Director” for “local board pursuant to Presidential regulations” and inserted sentence charging the Director with the responsibility for finding civilian work for persons exempted from training and service and for their placement in appropriate civilian work.

Subsec. (o). Pub. L. 92-129, §101(a)(22), inserted provisions for an exemption from training and service during

a period of time in which the father or a brother or sister of a person is in a captured or missing status and struck out provisions limiting the exemption from service provided under this subsection to the sole surviving son of the family.

1970—Subsec. (b)(2). Pub. L. 91-604 inserted “the Environmental Protection Agency,” after “Department of Justice,”.

1967—Subsec. (a). Pub. L. 90-40, §1(5), designated existing provisions as par. (1), substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey”, removed commissioned officers, warrant officers, pay clerks, enlisted men, aviation cadets, and, while on active duty, members of the reserve component, of the Public Health Service from the list of enumerated personnel relieved from the registration requirement of section 453 and the training and service requirement of section 454, added cadets, United States Air Force Academy, to such lists, and inserted proviso that a person in a medical, dental, or allied specialist category not otherwise deferred or exempted under subsec. (a) be liable for registration, training, and service until the thirty-fifth anniversary of the date of his birth, and added par. (2).

Subsec. (c)(2)(A). Pub. L. 90-40, §1(4), gave standby authority to both the Governors of the individual States, in the case of the National Guard, and to the President, in the case of the other reserve components, to permit the voluntary enlistment of registrants into these components during the period following their receipt of an induction notice and the date required for their actual induction, provided that there had previously issued a proclamation that the Governor or the President is not otherwise able to maintain the personnel strengths of the respective components.

Subsec. (h). Pub. L. 90-40, §1(6), established uniform criteria for all undergraduate deferments to continue only until a registrant receives a baccalaureate degree, fails to pursue a full-time course of instruction satisfactorily, or reaches the age of 24, whichever occurs first, at which point students are required to be exposed to the hazards of induction in the prime age group in the same manner as their contemporaries who had not been provided student deferments, continued the President’s wide latitude in providing deferments for graduate students in medicine, dentistry, or other subjects deemed essential to the national health, safety, or interest, continued the President’s authority to prescribe areas of deferment based upon occupations or professions essential to the national interest, and called for greater uniformity in the administration of classification criteria for persons subject to induction.

Subsec. (j). Pub. L. 90-40, §1(7), struck out provision that religious training and belief stem from the individual’s belief in a relation to a Supreme Being involving duties superior to those arising from any human relationship, and struck out requirement for a hearing by the Department of Justice when there is an appeal from a local board decision denying conscientious objector status.

1964—Subsec. (o). Pub. L. 88-360 exempted sole surviving sons from induction in cases where the father was killed in action or in line of duty, permitted the sole surviving son to volunteer for induction, and terminated the exemption during time of war or national emergency thereafter declared by Congress.

1963—Subsec. (c)(2). Pub. L. 88-110, among other changes, authorized deferment of persons who prior to attaining age 26 and to the issuance of induction orders enlisted or accepted appointment in the Ready Reserve of any reserve component, Army National Guard, or Air National Guard, and served satisfactorily, exempted such persons from induction after completing 6 years service and who during such service performed active duty for training for not less than 4 consecutive months, and struck out provisions which deferred persons who prior to attaining 18 years and 6 months of age, and prior to issuance of induction orders, enlisted or accepted appointment in any organized unit of the National Guard, exempted such persons from training

and service by reason of subsec. (h) of this section after they attained age 28, or who completed 8 years of service in such unit and performed active duty for training for not less than 3 consecutive months, authorized the President to accept enlistments in the Ready Reserve, whenever he determined its strength could not be maintained at a necessary level for defense, of persons who had not attained age 18 years and 6 months, and who had not been ordered to report for induction, and exempted such persons from liability under subsec. (h) of this section after attaining age 28 years, permitted volunteers to perform a period of active duty pursuant to section 1013 of Title 50, and exempted such persons from induction after serving 8 years in the Ready Reserve.

1962—Subsec. (d). Pub. L. 87-536 inserted “Except as provided in paragraph (5),” before “upon the successful completion by any person” and added par. (5).

1961—Subsec. (c)(2). Pub. L. 87-378, §1(1), included members of the National Guard deferred by clause (A) of this paragraph, or any person enlisted or appointed in the Ready Reserve of any reserve component other than under section 511(b) of this title, the Army National Guard or the Air National Guard after Oct. 4, 1961, but prior to attaining age 26, who fail to serve satisfactorily as a member of their components within clause (E) of this paragraph, and struck out “or appointed” after “may provide that any person enlisted”.

Subsec. (d)(1). Pub. L. 87-378, §1(2), substituted “If, at the time of, or subsequent to, such appointment” for “If, at the time of such appointment”, changed the period of active duty for training in grade, where the armed force in which such person is commissioned does not require his service on active duty, from 6 months to a period of not less than 3 months or more than 6 months, not including duty performed under section 270(a) of Title 10, Armed Forces, as is determined to qualify such person for a mobilization assignment, and substituted the requirement that upon being commissioned and assigned to a reserve component, such person must serve therein, or in a reserve component of any other armed force in which he is later appointed, for provisions which required such person to be returned to inactive duty and assigned to an appropriate reserve unit upon completion of the required period of active duty for training.

1958—Subsec. (c)(2)(F). Pub. L. 85-722 added subpar. (F).

1957—Subsec. (b)(5)(E). Pub. L. 85-62, §§6, 9, temporarily, added subpar. (E). See Effective and Termination Dates of 1957 Amendment note below.

Subsec. (d)(4). Pub. L. 85-62, §§7, 9, added par. (4). See Effective and Termination Dates of 1957 Amendment note below.

1955—Subsec. (a). Act June 30, 1955, §101(a), exempted from training and service, but not from registration, those persons who served on active duty for not less than 18 months since June 24, 1948 in the armed forces of a nation with which the United States is associated in mutual defense activities.

Subsec. (b)(3). Act June 30, 1955, §101(b), exempted individuals who have served not less than one year after September 16, 1940, or who were discharged after such date for the convenience of the Government and had served not less than six months, or who served not less than twenty-four months in the Public Health Service or in the Coast and Geodetic Survey.

Subsec. (c)(2). Act Aug. 9, 1955, §3(b), exempted from induction persons who have completed eight years of satisfactory service as members of an organized unit of the National Guard, with a minimum of not less than three consecutive months of active duty for training, and added cls. (C), (D), and (E).

Subsec. (c)(2)(A). Act June 30, 1955, §101(c), inserted provisions to exempt persons from liability for induction after attaining age 28.

Subsec. (d)(1). Act Aug. 9, 1955, §3(c), deferred from induction any person who agrees to remain a member of a regular or reserve component until the sixth anniversary of the receipt of a commission, provided that all

qualified graduates must be tendered a commission in the appropriate reserve component, and permitted active duty for training for a period of six months upon completion of which he must serve in the component in which appointed until the eighth anniversary of the receipt of the commission.

Subsec. (d)(2). Act Aug. 9, 1955, §3(d), permitted deferment of commissioned officers who perform satisfactory service in an appropriate unit of the Ready Reserve.

Subsec. (h). Act June 30, 1955, §101(d), provided that determination of deferment shall not be based on existence of a shortage or a surplus of any agricultural commodity.

1951—Subsec. (a). Act June 19, 1951, §1(f), exempted Naval reserve midshipmen attending merchant marine schools and students enrolled in military colleges which have approved ROTC courses from registration and induction.

Subsec. (c). Act June 19, 1951, §1(m), substituted “February 1, 1941” for “the effective date of this title” in par. (1), inserted “prior to the determination by the Secretary of Defense that adequate trained personnel are available to the National Guard to enable it to maintain its strength authorized by current appropriations, and prior to the issuance of orders for him to report for induction” after “six months” in par. (2)(A), and inserted “, paragraph (1) of this subsection” after “subsection (b)” in par. (2)(B).

Subsec. (d). Act June 19, 1951, §1(n), continued deferments to ROTC members but increased their period of service from 2 years to 6 years after receiving their commission (including 2 years active duty or 3 years active duty if financial assistance is received), authorized establishment of other training programs, and provided for the President’s deferment power.

Subsec. (h). Act June 19, 1951, §1(o), removed the President’s authority to defer married men who have no dependents other than a wife solely on a basis of such marriage unless extreme hardship is involved, permitted the induction of persons now deferred until the thirty-fifth anniversary of their birth should the basis for deferment terminate after their 26th birthday, and inserted “dental, optometric, osteopathic, and chiropractic” to list of endeavors which may be considered for deferment purposes.

Subsec. (i). Act June 19, 1951, §1(p), authorized deferment of high school and college students in lieu of postponement of induction in order to give them an opportunity to enlist in the branch of service of their choice during such deferment period.

Subsec. (j). Act June 19, 1951, §1(q), substituted “in lieu of such induction, be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the local board may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed, for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title” for “be deferred” in third sentence, and “he shall in lieu of such induction be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the local board may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed, for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title” for “he shall be deferred” in seventh sentence.

1950—Subsec. (b)(2). Act Sept. 27, 1950, struck out of subpars. (A) and (B) “or the Coast Guard”, “(or the Coast Guard)”, and “or in the Coast Guard” wherever appearing.

## EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

## EFFECTIVE DATE OF 1980 AMENDMENT

Section 3(b) of Pub. L. 96-584 provided that: "The amendment made by subsection (a) [amending this section] shall apply only to persons ordered to active duty for training after the effective date of this Act [Dec. 23, 1980]."

## EFFECTIVE AND TERMINATION DATES OF 1957 AMENDMENT

Amendment by Pub. L. 85-62 to take effect on July 1, 1957, and terminate on July 1, 1973, see section 9 of Pub. L. 85-62, set out as a note under section 454 of this Appendix.

## SAVINGS PROVISION; REPEAL OF COLLEGE STUDENT DEFERMENT

Section 101(b) of Pub. L. 92-129 provided that: "Notwithstanding the repeal of section 6(h)(1) of the Military Selective Service Act of 1967 [subsec. (h)(1) of this section] made by subsection (a)(17) of this section, any person (1) who is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of higher learning, (2) who met the academic requirements of a student deferment prescribed in such section 6(h)(1), and (3) who was satisfactorily pursuing such a full-time course prior to the date of enactment of this Act [Sept. 28, 1971] and during the 1970-1971 regular academic school year shall be deferred from induction for training and service in the Armed Forces under the same terms and conditions such person would have been deferred under the provisions of such section 6(h)(1) had such provision not been repealed."

## TRANSFER OF FUNCTIONS

Coast Guard transferred to Department of Transportation, and functions, powers, and duties relating to Coast Guard of Secretary of the Treasury and of all other officers and offices of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Coast Guard, and Commandant of Coast Guard, excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Environmental Science Services Administration in Department of Commerce, including offices of Administrator and Deputy Administrator thereof, abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees, which created National Oceanic and Atmospheric Administration in Department of Commerce and transferred personnel, property, records, and unexpended balances of funds of Environmental Science Services Administration to such newly created National Oceanic and Atmospheric Administration. Components of Environmental Science Services Administration thus transferred included Weather Bureau [now National Weather Service], Coast and Geodetic Survey [now National Ocean Survey], En-

vironmental Data Service, National Environmental Satellite Center, and ESSA Research Laboratories.

In order to implement the provisions of Reorganization Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, the following organizational names appearing in chapter IX of subtitle B of Title 15, Code of Federal Regulations, which covers administration of National Oceanic and Atmospheric Administration, were changed by order of Acting Associate Administrator, 35 F.R. 19249, Dec. 19, 1970, as follows: Environmental Science Services Administration to National Oceanic and Atmospheric Administration (ESSA to NOAA); Coast and Geodetic Survey to National Ocean Survey; and Weather Bureau to National Weather Service.

Coast and Geodetic Survey consolidated with National Weather Bureau in 1965 to form Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. Environmental Science Services Administration abolished in 1970 and its personnel, property, records, etc., transferred to National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of Acting Associate Administrator of National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, Coast and Geodetic Survey redesignated National Ocean Survey. See notes set out under section 311 of Title 15, Commerce and Trade.

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out in the Appendix to Title 5, Government Organization and Employees. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3508(b) of Title 20, Education.

## DELEGATION OF FUNCTIONS

Functions of President delegated to Director of Selective Service concerning establishment, implementation, and administration of program for return of Vietnam era draft evaders and military deserters, see Ex. Ord. No. 11804, Sept. 16, 1974, 39 F.R. 33299, set out under section 462 of this Appendix.

## DISCHARGE OF SURVIVING SONS

Section 101(d) of Pub. L. 92-129 provided that:

"(1) Subject to the provisions of paragraph (2) of this subsection any surviving son or sons of a family who (A) were inducted into the Armed Forces under the Military Selective Service Act of 1967 [see References in Text note set out under section 451 of this Appendix], (B) have not reenlisted or otherwise voluntarily extended their period of active duty in the Armed Forces, and (C) are serving on active duty with the Armed Forces on or after the date of enactment of this subsection [Sept. 28, 1971], and such son or sons could not, if they were not in the Armed Forces, be involuntarily inducted into military service under the Military Selective Service Act as a result of the amendment made by paragraph (22) of subsection (a) of this section [amending subsec. (o) of this section], such surviving son or sons shall, upon application, be promptly discharged from the Armed Forces.

"(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any member of the Armed Forces against whom court-martial charges are pending, or in the case of any member who has been tried and convicted by a court-martial for an offense and whose case is being reviewed or appealed, or in the case of any member who has been tried and convicted by a court-martial for an offense and who is serving a sentence (or otherwise satisfying punishment) imposed by such court-martial, until final action (including completion of any punishment imposed pursuant to such court-martial) has been completed with respect to such

charges, review, or appeal, or until the sentence has been served (or until any other punishment imposed has been satisfied), as the case may be. The President shall have authority to implement the provisions of this subsection by regulations.

“(3) Notwithstanding the amendment made by paragraph (22) of subsection (a) of this section [amending subsec. (o) of this section], except during the period of a war or a national emergency declared by Congress, the sole surviving son of any family in which the father or one or more sons or daughters thereof were killed in action before January 1, 1960, or died in line of duty before January 1, 1960, while serving in the Armed Forces of the United States, or died subsequent to such date as a result of injuries received or disease incurred before such date during such service shall not be inducted under the Military Selective Service Act [see References in Text note set out under section 451 of this Appendix] unless he volunteers for induction.”

#### PRIOR OBLIGATED SERVICE

Section 5 of Pub. L. 88-110 provided that: “This Act [amending subsec. (c)(2) of this section, section 463(a) of this Appendix and sections 270(b) and 511 [now 12103] of Title 10, Armed Forces, and repealing section 1013 of Title 50, War and National Defense] shall not affect any term of obligated service incurred before the effective date of this Act [Sept. 3, 1963]. In addition, the enactment of this Act [Sept. 3, 1963] shall not increase the minimum period of active duty or active duty for training that is required on the day before the effective date of this Act to earn an exemption from training and service under the Universal Military Training and Service Act, as amended (50 U.S.C. App. 451 et seq.), in the case of persons who entered the Armed Forces before the effective date of this Act.”

#### PROGRAM FOR RETURN OF VIETNAM ERA DRAFT EVADERS AND MILITARY DESERTERS

Proc. No. 4313, Sept. 16, 1974, 39 F.R. 33293, 88 Stat. 2504, set out under section 462 of this Appendix, provided for a program for return of Vietnam era draft evaders and military deserters.

#### EXECUTIVE ORDER NO. 11803

Ex. Ord. No. 11803, Sept. 16, 1974, 39 F.R. 33297, set out under section 462 of this Appendix, provided for review by Clemency Board of convictions of violations under subsec. (j) of this section.

#### EX. ORD. NO. 10028. DEFINITION OF NONCOMBATANT SERVICE AND NONCOMBATANT TRAINING

Ex. Ord. No. 10028, Jan. 13, 1949, 14 F.R. 211, provided:

1. The term “noncombatant service” shall mean (a) service in any unit of the armed forces which is unarmed at all times; (b) service in the medical department of any of the armed forces, wherever performed; or (c) any other assignment the primary function of which does not require the use of arms in combat; provided that such other assignment is acceptable to the individual concerned and does not require him to bear arms or to be trained in their use.

2. The term “noncombatant training” shall mean any training which is not concerned with the study, use, or handling of arms or weapons.

HARRY S. TRUMAN.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 454, 467 of this Appendix; title 10 sections 513, 651, 12103, 12104; title 37 sections 209, 308e.

### § 457. Repealed. June 19, 1951, ch. 144, § 1(r), 65 Stat. 86

Section, act June 24, 1948, ch. 625, title I, § 7, 62 Stat. 614, related to active duty for certain members of reserve components.

### § 458. Bounties for induction; substitutes; purchase of release

No bounty may be paid to induce any person to be inducted into an armed force. A clothing allowance authorized by law is not a bounty for the purposes of this section. No person liable for training and service under this Act may furnish a substitute for that training or service. No person may be enlisted, inducted, or appointed in an armed force as a substitute for another. No person liable for training and service under section 4 [section 454 of this Appendix] may escape that training and service or be discharged before the end of his period of training and service by paying money or any other valuable thing as consideration for his release from that training and service or liability therefor.

(June 24, 1948, ch. 625, title I, § 8, 62 Stat. 614; Aug. 10, 1956, ch. 1041, § 22(d), 70A Stat. 630.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, known as the Military Selective Service Act. For complete classification of this Act to the Code, see References in Text note set out under section 451 of this Appendix and Tables.

#### CODIFICATION

Section 8 of act June 24, 1948, 62 Stat. 614, cited as a credit to this section, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, 678, and provisions thereof (as applicable to induction) were restated in this section by section 22(d) of act Aug. 10, 1956. Provisions of such section 8 (less applicability to induction) were restated by first section of act Aug. 10, 1956, as section 514 of Title 10, Armed Forces.

#### AMENDMENTS

1956—Act Aug. 10, 1956, struck out provisions which prohibited payment of any bounty to induce any person to enlist into Armed Forces. See section 514 of Title 10, Armed Forces.

### § 459. Separation from service

#### (a) Certificate recording proficiency and merit; physical examination

Any person inducted into the armed forces under this title [sections 451 to 471a of this Appendix] for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 4(b) [section 454(b) of this Appendix] shall be entitled to a certificate to that effect upon the completion of such period of training and service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the armed forces under this title [said sections] for training and service shall be given a physical examination at the beginning of such training and service, and upon the completion of his period of training and service under this title [said sections], each such person shall be given another physical examination and, upon his written request, shall be given a statement of physical condition by the Secretary concerned: *Provided*, That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary concerned would prove injurious to the physical or mental health of the person to

whom it pertains: *Provided further*, That, if upon completion of training and service under this title [said sections], such person continues on active duty without an interruption of more than seventy-two hours as a member of the Armed Forces of the United States, a physical examination upon completion of such training and service shall not be required unless it is requested by such person, or the medical authorities of the Armed Force concerned determine that the physical examination is warranted.

**(b) Right to vote; manner; poll tax**

Any person inducted into the armed forces for training and service under this title [sections 451 to 471a of this Appendix] shall, during the period of such service, be permitted to vote in person or by absentee ballot in any general, special, or primary election occurring in the State of which he is a resident, whether he is within or outside such State at the time of such election, if under the laws of such State he is otherwise entitled so to vote in such election; but nothing in this subsection shall be construed to require granting to any such person a leave of absence or furlough for longer than one day in order to permit him to vote in person in any such election. No person inducted into, or enlisted in, the armed forces for training and service under this title [said sections] shall, during the period of such service, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, be required to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

**(c) Reports on separated personnel**

The Secretaries of Army, Navy, Air Force, or Transportation shall furnish to the Selective Service System hereafter established a report of separation for each person separated from active duty.

(June 24, 1948, ch. 625, title I, § 9, 62 Stat. 614; Sept. 27, 1950, ch. 1059, § 1(7)–(10), 64 Stat. 1074; June 19, 1951, ch. 144, title I, § 1(s), 65 Stat. 86; July 12, 1955, ch. 327, 69 Stat. 295; July 9, 1956, ch. 523, § 1, 70 Stat. 509; Pub. L. 86–632, § 1, July 12, 1960, 74 Stat. 467; Pub. L. 87–391, Oct. 4, 1961, 75 Stat. 821; Pub. L. 90–491, § 1, Aug. 17, 1968, 82 Stat. 790; Pub. L. 92–129, title I, § 101(a)(23), Sept. 28, 1971, 85 Stat. 351; Pub. L. 93–508, title IV, § 405, Dec. 3, 1974, 88 Stat. 1600.)

AMENDMENTS

1974—Subsecs. (b), (c). Pub. L. 93–508, § 405(1), (2), redesignated subsecs. (i) and (j) as (b) and (c), respectively. Former subsecs. (b) and (c), relating to reemployment rights and consideration of training and service in the armed forces as furlough or leave of absence, were struck out. See section 2021 et seq. of Title 38, Veterans' Benefits.

Subsecs. (d) to (h). Pub. L. 93–508, § 405(1), repealed subsecs. (d) to (h) relating to jurisdiction of district courts to enforce compliance with the reemployment provisions, legal assistance by United States attorneys to claimants of reemployment benefits, reemployment by Federal Government, priority of rights to reemployment, and reemployment benefits to persons enlisting or called to active duty. See section 2021 et seq. of Title 38, Veterans' Benefits.

Subsecs. (i), (j). Pub. L. 93–508, § 405(2), redesignated subsecs. (i) and (j) as (b) and (c), respectively.

1971—Subsec. (j). Pub. L. 92–129 substituted “or Transportation” for “or Treasury”.

1968—Subsec. (c)(3). Pub. L. 90–491, § 1(1), added par. (3).

Subsec. (d). Pub. L. 90–491, § 1(2), included cases where any private employer fails or refuses to comply with provisions of subsec. (c)(3) of this section.

Subsec. (g)(1). Pub. L. 90–491, § 1(3), substituted “does not exceed five years, provided that the service in excess of four years after August 1, 1961, is at the request and for the convenience of the Federal Government” for “does not exceed four years”.

Subsec. (g)(2). Pub. L. 90–491, § 1(4), designated existing provisions as par. (A) and added par. (B).

1961—Subsec. (g)(1). Pub. L. 87–391 permitted four years service after Aug. 1, 1961, in addition to four years service between June 24, 1948, and Aug. 1, 1961, without loss of reemployment rights.

Subsec. (g)(2). Pub. L. 87–391 permitted four years service after Aug. 1, 1961, in addition to four years service between June 24, 1948, and Aug. 1, 1961, without loss of reemployment rights.

Subsec. (g)(4). Pub. L. 87–391 struck out requirement that persons who are rejected for military service must have requested a leave of absence from their employers for purpose of determining their physical fitness to enter Armed Forces in order to insure reemployment rights.

Subsec. (g)(5), (6). Pub. L. 87–391 added par. (5) and redesignated former par. (5) as (6).

1960—Subsec. (g)(2). Pub. L. 86–632, § 1(1), inserted “and other than for training” after “physical fitness” in parenthetical phrase.

Subsec. (g)(3). Pub. L. 86–632, § 1(2), substituted the existing reemployment provisions for provisions granting a leave of absence to perform training duty or to be examined to determine fitness to enter the armed forces and requiring application for reinstatement to be made within thirty days following release from training duty or rejection for service.

Subsec. (g)(4), (5). Pub. L. 86–632, § 1(3), added pars. (4) and (5).

1956—Subsec. (d). Act July 9, 1956, inserted reference to subsection (g) of this section.

1955—Subsec. (a). Act July 12, 1955, inserted proviso removing requirement for a final physical examination for inductees who continue on active duty in another status in the Armed Forces.

1951—Subsec. (g). Act June 19, 1951, clarified reemployment rights with respect to restoration to a position of like seniority, status, and pay.

1950—Subsec. (g)(1). Act Sept. 27, 1950, § 1(7), struck out “or the Coast Guard (other than a reserve component)” and “or the Coast Guard” after “(other than in a reserve component)”.

Subsec. (g)(2). Act Sept. 27, 1950, § 1(8), struck out “, the Coast Guard” after “United States”.

Subsec. (h). Act Sept. 27, 1950, § 1(9), struck out “, the Coast Guard” after “United States”.

Subsec. (j). Act Sept. 27, 1950, § 1(10), struck out “or” after “Navy” and inserted “, or Treasury” after “Air Force”.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 3452 of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF 1960 AMENDMENT

Section 3 of Pub. L. 86–632 provided that: “This Act [amending this section and section 1013 of Title 50, War and National Defense] shall take effect upon the expiration of sixty days from the date of its enactment [July 12, 1960].”

EFFECTIVE DATE OF 1956 AMENDMENT

Section 2 of act July 9, 1956, provided that: “The amendment made by the first section of this Act [amending this section] shall take effect as of June 19, 1951.”

### § 460. Selective Service System

#### (a) Establishment; construction; appointment of Director; termination and reestablishment of Office of Selective Service Records

(1) There is established in the executive branch of the Government an agency to be known as the Selective Service System, and a Director of Selective Service who shall be the head thereof.

(2) The Selective Service System shall include a national headquarters, at least one State headquarters in each State, Territory, and possession of the United States, and in the District of Columbia, and the local boards, appeal boards, and other agencies provided for in subsection (b)(3) of this section.

(3) The Director shall be appointed by the President, by and with the advice and consent of the Senate.

(4) The functions of the Office of Selective Service Records (established by the Act of March 31, 1947 [sections 321 to 329 of this Appendix]) and of the Director of the Office of Selective Service Records are transferred to the Selective Service System and the Director of Selective Service, respectively. The personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Office of Selective Service Records are transferred to the Selective Service System. The Office of Selective Service Records shall cease to exist upon the taking effect of the provisions of this title [sections 451 to 471a of this Appendix]: *Provided*, That, effective upon the termination of this title [said sections] and notwithstanding such termination in other respects, (A) the said Office of Selective Service Records is reestablished on the same basis and with the same functions as obtained prior to the effective date of this title [June 24, 1948], (B) said reestablished Office shall be responsible for liquidating any other outstanding affairs of the Selective Service System, and (C) the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Selective Service System shall be transferred to such reestablished Office of Selective Service Records.

#### (b) Administrative provisions

The President is authorized to undertake the following:

(1) To prescribe the necessary rules and regulations to carry out the provisions of this title [sections 451 to 471a of this Appendix].

(2) To appoint, upon recommendation of the respective governor or comparable executive official, a State director of the Selective Service System for each headquarters in each State, Territory, and possession of the United States and for the District of Columbia, who shall represent the governor and be in immediate charge of the state headquarters of the Selective Service System: *Provided*, That no State director shall serve concurrently in an elected or appointed position of a State or local government; to employ such number of civilians, and, subject to subsection (e), to order to active duty with their consent and to

assign to the Selective Service System such officers of the selective-service section of the State headquarters and headquarters detachments and such other officers of the federally recognized National Guard of the United States or other armed forces personnel (including personnel of the reserve components thereof), as may be necessary for the administration of the national and of the several State headquarters of the Selective Service System.

(3) To create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this title [sections 451 to 471a of this Appendix], together with such other duties as may be assigned under this title [said sections]: *Provided*, That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State, territory, and possession of the United States, and in the District of Columbia. The local board and/or its staff shall perform their official duties only within the county or political subdivision corresponding thereto for which the local board is established, or in the case of an intercounty board, within the area for which such board is established, except that the staffs of local boards in more than one county of a State or comparable jurisdiction may be collocated or one staff may serve local boards in more than one county of a State or comparable jurisdiction when such action is approved by the Governor or comparable executive official or officials. Each local board shall consist of three or more members to be appointed by the President from recommendations made by the respective Governors or comparable executive officials. In making such appointments after the date of the enactment of the Act enacting this sentence [Sept. 28, 1971], the President is requested to appoint the membership of each local board so that to the maximum extent practicable it is proportionately representative of the race and national origin of those registrants within its jurisdiction, but no action by any local board shall be declared invalid on the ground that any board failed to conform to any particular quota as to race or national origin. No citizen shall be denied membership on any local board or appeal board on account of sex. After December 31, 1971, no person shall serve on any local board or appeal board who has served on any local board or appeal board for a period of more than 20 years. Notwithstanding any other provision of this paragraph, an intercounty local board consisting of at least one member from each component county or corresponding subdivision may, with the approval of the Gov-

error or comparable executive official or officials, be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. A local board may include among its members any citizen otherwise qualified under Presidential regulations, provided he is at least eighteen years of age. No member of any local board shall be a member of the Armed Forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction, and each intercounty local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area. Such local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title [said sections], of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be final, except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe. There shall be not less than one appeal board located within the area of each Federal judicial district in the United States and within each Territory and possession of the United States, and such additional separate panels thereof, as may be prescribed by the President. Appeal boards within the Selective Service System shall be composed of civilians who are citizens of the United States and who are not members of the armed forces. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President. The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title [said sections], and the determination of the President shall be final. No judicial review shall be made of the classification or processing of any registrant by local boards, appeal boards, or the President, except as a defense to a criminal prosecution instituted under section 12 of this title [section 462 of this Appendix], after the registrant has responded either affirmatively or negatively to an order to report for induction or for civilian work in the case of a registrant determined to be opposed to participation in war in any form: *Provided*, That such review shall go to the question of the jurisdic-

tion herein reserved to local boards, appeal boards, and the President only when there is no basis in fact for the classification assigned to such registrant. No person who is a civilian officer, member, agent, or employee of the Office of Selective Service Records or the Selective Service System, or of any local board or appeal board or other agency of such Officer or system, shall be excepted from registration or deferred or exempted from training and service, as provided for in this title [said sections], by reason of his status as such civilian officer, member, agent, or employee.

(4) To appoint, and to fix, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, the basic pay of such officers, agents, and employees as he may deem necessary to carry out the provisions of this title [sections 451 to 471a of this Appendix], however, any officer of the armed forces or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this title [said sections] (except to offices or positions on local boards or appeal boards established or created pursuant to section 10(b)(3) [subsection (b)(3) of this section]) may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the armed forces or as such officer or employee in any department or agency of the United States.

(5) To utilize the services of any or all departments and any and all officers or agents of the United States, and to accept the services of all officers and agents of the several States, Territories, and possessions, and subdivisions thereof, and the District of Columbia, and of private welfare organizations, in the execution of this title [sections 451 to 471a of this Appendix].

(6) To purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended [44 U.S.C. 504], and to obtain by purchase, loan, or gift such equipment and supplies for the Selective Service System, as he may deem necessary to carry out the provisions of this title [sections 451 to 471a of this Appendix], with or without advertising or formal contract.

(7) To prescribe eligibility, rules, and regulations governing the release for service in the armed forces, or for any other special service established pursuant to this title [sections 451 to 471a of this Appendix], of any person convicted of a violation of any of the provisions of this title [said sections].

(8) Subject to the availability of funds appropriated for such purpose, to procure such space as he may deem necessary to carry out the provisions of this title [sections 451 to 471a of this Appendix] and Public Law 26, Eightieth Congress, approved March 31, 1947 [sections 321 to 329 of this Appendix], by lease pursuant to

existing statutes, except that the provisions of the Act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the Act of March 3, 1933 (47 Stat. 1517) [40 U.S.C. 278a],<sup>1</sup> shall not apply to any lease entered into under the authority of this title [said sections].

(9) Subject to the availability of funds appropriated for such purposes, to determine the location of such additional temporary installations as he may deem essential; to utilize and enlarge such existing installations; to construct, install, and equip, and to complete the construction, installation, and equipment of such buildings, structures, utilities, and appurtenances (including the necessary grading and removal, repair or remodeling of existing structures and installations), as may be necessary to carry out the provisions of this title [sections 451 to 471a of this Appendix]; and, in order to accomplish the purpose of this title [said sections], to acquire lands, and rights pertaining thereto, or other interests therein, for temporary use thereof, by donation or lease, and to prosecute construction thereon prior to the approval of the title [said sections] by the Attorney General as required by section 355, Revised Statutes, as amended [40 U.S.C. 255].

(10) Subject to the availability of funds appropriated for such purposes, to utilize, in order to provide and furnish such services as may be deemed necessary or expedient to accomplish the purposes of this title [sections 451 to 471a of this Appendix], such personnel of the armed forces and of Reserve components thereof with their consent, and such civilian personnel, as may be necessary. For the purposes of this title [said sections], the provisions of section 14 of the Federal Employees' Pay Act of 1946 (Public Law 390, Seventy-ninth Congress) with respect to the maximum limitations as to the number of civilian employees shall not be applicable to the Department of the Army, the Department of the Navy, or the Department of the Air Force.

**(c) Delegation of President's authority**

The President is authorized to delegate any authority vested in him under this title [sections 451 to 471a of this Appendix], and to provide for the subdelegation of any such authority.

**(d) Acceptance of gifts and voluntary services**

In the administration of this title [sections 451 to 471a of this Appendix], gifts of supplies, equipment, and voluntary services may be accepted.

**(e) Assignment of armed forces personnel**

The total number of armed forces personnel assigned to the Selective Service System under subsection (b)(2) at any time may not be less than the number of such personnel determined by the Director of Selective Service to be necessary, but not to exceed 745 persons, except that the President may assign additional armed forces personnel to the Selective Service System during a time of war or a national emergency declared by Congress or the President.

**(f) Settlement of travel claims, etc.**

The Director is authorized to make final settlement of individual claims, for amounts not

exceeding \$500, for travel and other expenses of uncompensated personnel of the Office of Selective Service Records, or the Selective Service System, incurred while in the performance of official duties, without regard to other provisions of law governing the travel of civilian employees of the Federal Government.

**(g) Reports to Congress**

The Director of Selective Service shall submit to the Congress annually a written report covering the operation of the Selective Service System and such report shall include, by States, information as to the number of persons registered under this Act; the number of persons inducted in to the military service under this Act; and the number of deferments granted under this Act and the basis for such deferments; and such other specific kinds of information as the Congress may from time to time request.

**(h) Maintenance of System after institution of all volunteer program for meeting manpower needs**

The Selective Service system<sup>2</sup> shall be maintained as an active standby organization, with (1) a complete registration and classification structure capable of immediate operation in the event of a national emergency (including a structure for registration and classification of persons qualified for practice or employment in a health care occupation essential to the maintenance of the Armed Forces), and (2) personnel adequate to reinstitute immediately the full operation of the System, including military reservists who are trained to operate such System and who can be ordered to active duty for such purpose in the event of a national emergency.

(June 24, 1948, ch. 625, title I, § 10, 62 Stat. 618; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; June 30, 1950, ch. 445, § 3, 64 Stat. 319; Sept. 27, 1950, ch. 1059, § 3(b), 64 Stat. 1074; June 19, 1951, ch. 144, title I, § 1(u), 65 Stat. 87; Pub. L. 90-40, § 1(8)-(10), June 30, 1967, 81 Stat. 104, 105; Pub. L. 92-129, title I, § 101(a)(24)-(29), Sept. 28, 1971, 85 Stat. 351, 352; Pub. L. 93-176, § 3, Dec. 5, 1973, 87 Stat. 693; Pub. L. 96-513, title V, § 507(d), Dec. 12, 1980, 94 Stat. 2919; Pub. L. 97-60, title II, § 208, Oct. 14, 1981, 95 Stat. 1008; Pub. L. 98-473, title II, § 234, Oct. 12, 1984, 98 Stat. 2031; Pub. L. 100-180, div. A, title VII, § 715, Dec. 4, 1987, 101 Stat. 1113; Pub. L. 102-190, div. A, title X, § 1091, Dec. 5, 1991, 105 Stat. 1486; Pub. L. 104-201, div. A, title IV, § 414, Sept. 23, 1996, 110 Stat. 2508.)

REFERENCES IN TEXT

Act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the Act of March 3, 1933 (47 Stat. 1517) [40 U.S.C. 278a], referred to in subsec. (b)(8), was repealed by Pub. L. 100-678, § 7, Nov. 17, 1988, 102 Stat. 4052.

Section 14 of the Federal Employees' Pay Act of 1946 (Public Law 390, Seventy-ninth Congress), referred to in subsec. (b)(10), means section 14 of act May 24, 1946, ch. 270, 60 Stat. 219, which amended section 947 of former Title 5, Executive Departments and Government Officers and Employees, and which was repealed by act Sept. 12, 1950, ch. 946, title III, § 301(85), 64 Stat. 843.

This Act, referred to in subsec. (g), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, known as the Military Selective Service Act. For complete classification of this Act to the Code, see References in Text

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be capitalized.

note set out under section 451 of this Appendix and Tables.

#### AMENDMENTS

1996—Subsec. (b). Pub. L. 104-201, §414(b)(1), substituted “authorized to undertake the following:” for “authorized—” in introductory provisions.

Subsec. (b)(1). Pub. L. 104-201, §414(b)(2), (4), substituted “To” for “to” at beginning and a period for a semicolon at end.

Subsec. (b)(2). Pub. L. 104-201, §414(a)(1), (b)(2), (4), substituted “To” for “to” at beginning, inserted “, subject to subsection (e),” after “to employ such number of civilians, and,” and substituted a period for a semicolon at end.

Subsec. (b)(3) to (7). Pub. L. 104-201, §414(b)(2), (4), substituted “To” for “to” at beginning and a period for a semicolon at end.

Subsec. (b)(8), (9). Pub. L. 104-201, §414(b)(3), (4), substituted “Subject” for “subject” at beginning and a period for a semicolon at end.

Subsec. (b)(10). Pub. L. 104-201, §414(b)(3), substituted “Subject” for “subject” at beginning.

Subsec. (e). Pub. L. 104-201, §414(a)(2), added subsec. (e).

1991—Subsec. (b)(2). Pub. L. 102-190, §1091(1), struck out “without the approval of the Director” after “local government”.

Subsec. (g). Pub. L. 102-190, §1091(2), substituted “annually” for “semiannually”.

1987—Subsec. (h). Pub. L. 100-180 substituted “The Selective Service system shall” for “If at any time calls under this section for the induction of persons for training and service in the Armed Forces are discontinued because the Armed Forces are placed on an all volunteer basis for meeting their active duty manpower needs, the Selective Service System, as it is constituted on the date of the enactment of this subsection [Sept. 28, 1971], shall, nevertheless,” and directed the insertion of “(including a structure for registration and classification of persons qualified for practice or employment in a health care occupation essential to the maintenance of the Armed Forces)” after “national emergency”, which was inserted in cl. (1) as the probable intent of Congress.

1984—Subsec. (b)(7). Pub. L. 98-473 substituted “release” for “parole”.

1981—Subsec. (b)(3). Pub. L. 97-60 struck out provision that had prohibited service on local boards or appeal boards by persons who had attained the age of 65.

1980—Subsec. (b)(4). Pub. L. 96-513 substituted “however, any officer of the armed forces” for “however, any officer on the active or retired list of the armed forces, or any reserve component thereof with his consent,” and struck out “or reserve component thereof,” after “without loss of or prejudice to his status as such officer in the armed forces”.

1973—Subsec. (b)(4). Pub. L. 93-176 substituted “the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, the basic pay” for “the Classification Act of 1949, the compensation” and struck out provisos that compensation of employees of local boards and appeal boards may be fixed without regard to Classification Act of 1949, that employees of local boards having supervisory duties with respect to other employees of one or more local boards be designated as the executive secretary of the local board or boards, and that the term of employment of executive secretaries not exceed ten years except when reappointed.

1971—Subsec. (a)(3). Pub. L. 92-129, §101(a)(24), struck out provisions setting compensation of Director.

Subsec. (b)(2). Pub. L. 92-129, §101(a)(25), inserted proviso that no State director shall serve concurrently in an elected or appointed position of a State or local government without the approval of the Director.

Subsec. (b)(3). Pub. L. 92-129, §101(a)(26), inserted provisions requiring that local boards and their staffs perform their duties only within the counties or political

subdivisions for which they are established with special provisions for intercounty boards and the collocation or multiple use of staffs with executive approval, provided for board membership proportionately representative of the area served, reduced the maximums applicable to board members from 75 years of age or 25 years of service on the board to 65 years of age or 20 years of service respectively, and authorized local boards to include among their members any citizens otherwise qualified under Presidential regulations provided they are at least 18 years of age.

Subsec. (e). Pub. L. 92-129, §101(a)(27), struck out subsec. (e) which authorized Chief of Finance of the United States Army to act as the fiscal, disbursing, and accounting agent of Director.

Subsec. (f). Pub. L. 92-129, §101(a)(28), substituted “\$500” for “\$50”.

Subsec. (h). Pub. L. 92-129, §101(a)(29), added subsec. (h).

1967—Subsec. (b)(3). Pub. L. 90-40, §1(8), prohibited disqualification of members of armed forces reserve components from serving as counselors to registrants, including services as government appeal agents, merely because of such membership in the reserve, set 25 years as maximum length of service on local and appeal boards and 75 years as age after attainment of which members may not serve, prohibited discrimination as to service on boards because of sex, with new limitations on age and sex to be implemented not later than January 1, 1968, and prohibited judicial review of classification or processing of registrants except as a defense to a criminal prosecution instituted under section 462 of this Appendix, and then only after registrant has responded either affirmatively or negatively to an order to report for induction or for civilian work and to question of jurisdiction reserved to local boards, appeal boards, and President only when there is no basis in fact for classification.

Subsec. (b)(4). Pub. L. 90-40, §1(9), provided for designation of a local board employee having supervisory duties with respect to other employees of one or more local boards as “executive secretary”, with such employee to serve in that position for a maximum of ten years except when reappointed.

Subsec. (g). Pub. L. 90-40, §1(10), substituted “semiannually” for “on or before the 3rd day of January of each year,” as time for submission of Director’s written report to Congress, and inserted “such other specific kinds of information as the Congress may from time to time request” to enumeration of subjects to be covered by the report.

1951—Subsec. (b)(3). Act June 19, 1951, §1(u)(1), provided for one appeal board in each Federal judicial district in the United States, its territories and possessions, and such necessary panels as the President deems necessary.

Subsec. (g). Act June 19, 1951, §1(u)(2), added subsec. (g).

1950—Subsec. (b)(3). Act Sept. 27, 1950, inserted “, or separate panels thereof each consisting of three or more members” after “Such local boards” in sixth sentence.

Subsec. (b)(4). Act June 30, 1950, struck out comma between “the compensation of” and “such officers”.

1949—Subsec. (b)(4). Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923”.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

## EFFECTIVE DATE OF 1973 AMENDMENT

Section 4 of Pub. L. 93-176 provided that: “This Act [amending this section and section 5102 of Title 5, Government Organization and Employees, and enacting provisions set out as notes under this section] shall take effect not later than the beginning of the first pay period which begins on or after the ninetieth day following the date of the enactment of this Act [Dec. 5, 1973].”

## REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

## EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Director of Selective Service, see Parts 1, 2, and 23 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

## COMPENSATION INCREASES FOR EMPLOYEES OF LOCAL OR APPEAL BOARDS

Section 2 of Pub. L. 93-176 provided that: “The rate of basic pay of each employee in a position under a local board or appeal board of the Selective Service System on and immediately prior to the effective date of this Act [designated as a date not later than the beginning of the first pay period which begins on or after the 90th day following Dec. 5, 1973] shall be adjusted, as of such effective date, under the provisions of section 5334(d) of title 5, United States Code.”

Act June 5, 1952, ch. 369, Ch. VII, § 701, 66 Stat. 109, authorized increases in the rate of compensation of any employees of local or appeal boards effective as of the first day of the first pay period which began after June 30, 1951 and within ninety days from June 5, 1952, pursuant to the authority contained in section 460 of this Appendix.

## COMPENSATION OF DIRECTOR OF SELECTIVE SERVICE

Compensation of Director, see section 5315 of Title 5, Government Organization and Employees.

## EX. ORD. NO. 10271. DELEGATION OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 10271, July 7, 1951, 16 F.R. 6659, set out as a note under section 471 of this Appendix, delegates to the Secretary of Defense the President's authority to order members and units of Reserve components into active Federal service.

## EX. ORD. NO. 11623. DELEGATION OF AUTHORITY TO ISSUE RULES AND REGULATIONS TO DIRECTOR OF SELECTIVE SERVICE

Ex. Ord. No. 11623, Oct. 12, 1971, 36 F.R. 19963, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, including the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 *et seq.*, hereinafter referred to as the Act), and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Director of Selective Service (hereinafter referred to as the Director) is authorized to prescribe the necessary rules and regulations to carry out the provisions of the Act. Regulations heretofore issued by the President to carry out such provisions shall continue in effect until amended or revoked by the Director pursuant to the authority conferred by this Order.

SEC. 2. (a) In carrying out the provisions of this Order, the Director shall cause any rule or regulation which he proposes to issue hereunder to be published in the FEDERAL REGISTER as required by section 13(b) of the Act [section 463(b) of this Appendix]. Prior to such publication, the Director shall request the views of the

Secretary of Defense, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Transportation (when the Coast Guard is serving under the Department of Transportation), the Director of the Office of Emergency Preparedness, and the Chairman of the National Selective Service Appeal Board with regard to such proposed rule or regulation, and shall allow not less than 10 days for the submission of such views before publication of the proposed rule or regulation.

(b) Any proposed rule or regulation as published by the Director shall be furnished to the officials required to be consulted pursuant to subsection (a). The Director may (not less than 30 days after publication in the FEDERAL REGISTER) issue such rule or regulation as published unless, within 10 days after being furnished with the proposed rule or regulation as published, any such official shall notify the Director that he disagrees therewith and requests that the matter be referred to the President for decision.

(c) Any rule or regulation issued by the Director pursuant to this Order shall be published in the FEDERAL REGISTER with (1) a statement reciting compliance with the prepublication requirement of section 13(b) of the Act [section 463(b) of this Appendix], and (2) either (i) approval of such rule or regulation by the President, or (ii) a certification of the Director that he has requested the views of the officials required to be consulted pursuant to subsection (a) and that none of them has timely requested that the matter be referred to the President for decision. Such rule or regulation shall be effective upon such publication in the FEDERAL REGISTER or on such later date as may be specified therein.

SEC. 3. Nothing in this Order shall be deemed to (i) authorize the exercise by the Director of the President's authority to waive the requirements of section 13(b) of the Act [section 463(b) of this Appendix], or (ii) derogate from the authority of the President himself to waive the requirements of such section 13(b), or (iii) derogate from the authority of the President himself to issue such rules or regulations as he may deem necessary to carry out the provisions of the Act.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 sections 101, 523, 641.

## § 461. Emergency medical care

Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title [sections 451 to 471a of this Appendix] shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation and burial of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title [said sections], but such burial expenses shall not exceed the maximum that the Secretary of Veterans Affairs may pay under the provisions of section 2302(a) of title 38, United States Code, in any one case.

(June 24, 1948, ch. 625, title I, § 11, 62 Stat. 621; Pub. L. 92-129, title I, § 101(a)(30), Sept. 28, 1971, 85 Stat. 352; Pub. L. 102-54, § 13(t), June 13, 1991, 105 Stat. 282; Pub. L. 102-83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406.)

## AMENDMENTS

1991—Pub. L. 102-83 substituted “section 2302(a) of title 38” for “section 902(a) of title 38”.

Pub. L. 102-54 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs”.

1971—Pub. L. 92-129 substituted “the maximum that the Administrator of Veterans' Affairs may pay under

the provisions of section 902(a) of title 38, United States Code” for “\$150”.

#### § 462. Offenses and penalties

(a) Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this title [sections 451 to 471a of this Appendix], or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said title [said sections], rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making, of any false statement or certificate regarding or bearing upon a classification or in support of any request for a particular classification, for service under the provisions of this title [said sections], or rules, regulations, or directions made pursuant thereto, or who otherwise evades or refuses registration or service in the armed forces or any of the requirements of this title [said sections], or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this title [said sections], or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under or in the execution of this title [said sections], or rules, regulations, or directions made pursuant to this title [said sections], or any person or persons who shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise, with the administration of this title [said sections] or the rules or regulations made pursuant thereto, or who conspires to commit any one or more of such offenses, shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than \$10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by court martial in any case arising under this title [said sections] unless such person has been actually inducted for the training and service prescribed under this title [said sections] or unless he is subject to trial by court martial under laws in force prior to the enactment of this title [June 24, 1948].

(b) Any person (1) who knowingly transfers or delivers to another, for the purpose of aiding or abetting the making of any false identification or representation, any registration certificate, alien's certificate of nonresidence, or any other certificate issued pursuant to or prescribed by the provisions of this title [sections 451 to 471a of this Appendix], or rules or regulations promulgated hereunder; or (2) who, with intent that it be used for any purpose of false identification or representation, has in his possession any such certificate not duly issued to him; or (3) who

forges, alters, knowingly destroys, knowingly mutilates, or in any manner changes any such certificate or any notation duly and validly inscribed thereon; or (4) who, with intent that it be used for any purpose of false identification or representation, photographs, prints, or in any manner makes or executes any engraving, photograph, print, or impression in the likeness of any such certificate, or any colorable imitation thereof; or (5) who has in his possession any certificate purporting to be a certificate issued pursuant to this title [said sections], or rules and regulations promulgated hereunder, which he knows to be falsely made, reproduced, forged, counterfeited, or altered; or (6) who knowingly violates or evades any of the provisions of this title [said sections] or rules and regulations promulgated pursuant thereto relating to the issuance, transfer, or possession of such certificate, shall, upon conviction, be fined not to exceed \$10,000 or be imprisoned for not more than five years, or both. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any certificate not duly issued to him, such possession shall be deemed sufficient evidence to establish an intent to use such certificate for purposes of false identification or representation, unless the defendant explains such possession to the satisfaction of the jury.

(c) The Department of Justice shall proceed as expeditiously as possible with a prosecution under this section, or with an appeal, upon the request of the Director of Selective Service System or shall advise the House of Representatives and the Senate in writing the reasons for its failure to do so.

(d) No person shall be prosecuted, tried, or punished for evading, neglecting, or refusing to perform the duty of registering imposed by section 3 of this title [section 453 of this Appendix] unless the indictment is found within five years next after the last day before such person attains the age of twenty-six, or within five years next after the last day before such person does perform his duty to register, whichever shall first occur.

(e) The President may require the Secretary of Health and Human Services to furnish to the Director, from records available to the Secretary, the following information with respect to individuals who are members of any group of individuals required by a proclamation of the President under section 3 [section 453 of this Appendix] to present themselves for and submit to registration under such section: name, date of birth, social security account number, and address. Information furnished to the Director by the Secretary under this subsection shall be used only for the purpose of the enforcement of this Act.

(f)(1) Except as provided in subsection (g), any person who is required under section 3 [section 453 of this Appendix] to present himself for and submit to registration under such section and fails to do so in accordance with any proclamation issued under such section, or in accordance with any rule or regulation issued under such section, shall be ineligible for any form of assistance or benefit provided under title IV of the Higher Education Act of 1965 [20 U.S.C. 1070 et seq.; 42 U.S.C. 2751 et seq.].

(2) In order to receive any grant, loan, or work assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq. [and 42 U.S.C. 2751 et seq.]), a person who is required under section 3 [section 453 of this Appendix] to present himself for and submit to registration under such section shall file with the institution of higher education which the person intends to attend, or is attending, a statement of compliance with section 3 and regulations issued thereunder.

(3) The Secretary of Education, in agreement with the Director, shall prescribe methods for verifying such statements of compliance filed pursuant to paragraph (2). Such methods may include requiring institutions of higher education to provide a list to the Secretary of Education or to the Director of persons who have submitted such statements of compliance.

(4) The Secretary of Education, in consultation with the Director, shall issue regulations to implement the requirements of this subsection. Such regulations shall provide that any person to whom the Secretary of Education proposes to deny assistance or benefits under title IV [20 U.S.C. 1070 et seq.; 42 U.S.C. 2751 et seq.] for failure to meet the registration requirements of section 3 [section 453 of this Appendix] and regulations issued thereunder shall be given notice of the proposed denial and shall have a suitable period (of not less than thirty days) after such notice to provide the Secretary with information and materials establishing that he has complied with the registration requirement under section 3. Such regulations shall also provide that the Secretary may afford such person an opportunity for a hearing to establish his compliance or for any other purpose.

(g) A person may not be denied a right, privilege, or benefit under Federal law by reason of failure to present himself for and submit to registration under section 3 [section 453 of this Appendix] if—

(1) the requirement for the person to so register has terminated or become inapplicable to the person; and

(2) the person shows by a preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to register.

(June 24, 1948, ch. 625, title I, §12, 62 Stat. 622; Pub. L. 89-152, Aug. 30, 1965, 79 Stat. 586; Pub. L. 90-40, §1(11), June 30, 1967, 81 Stat. 105; Pub. L. 92-129, title I, §101(a)(31), Sept. 28, 1971, 85 Stat. 352; Pub. L. 97-86, title IX, §916(b), Dec. 1, 1981, 95 Stat. 1129; Pub. L. 97-252, title XI, §1113(a), Sept. 8, 1982, 96 Stat. 748; Pub. L. 98-620, title IV, §402(54), Nov. 8, 1984, 98 Stat. 3361; Pub. L. 99-661, div. A, title XIII, §1366, Nov. 14, 1986, 100 Stat. 4002.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (e), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, known as the Military Selective Service Act. For complete classification of this Act to the Code, see References in Text note set out under section 451 of this Appendix and Tables.

The Higher Education Act of 1965, referred to in subsec. (f), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title IV of the Higher Education Act of 1965 is classified generally to subchapter IV (§1070 et seq.) of

chapter 28 of Title 20, Education, and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

#### AMENDMENTS

1986—Subsec. (f)(1). Pub. L. 99-661, §1366(1), substituted “Except as provided in subsection (g), any person” for “Any person”.

Subsec. (g). Pub. L. 99-661, §1366(2), added subsec. (g).

1984—Subsec. (a). Pub. L. 98-620 struck out sentence at end requiring that precedence be given by courts to the trial of cases arising under sections 451 to 471a of this Appendix, and that such cases had to be advanced on the docket for immediate hearing, and that an appeal from the decision or decree of any United States district court or United States court of appeals would take precedence over all other cases pending before the court to which the case had been referred.

1982—Subsec. (f). Pub. L. 97-252 added subsec. (f).

1981—Subsec. (e). Pub. L. 97-86 added subsec. (e).

1971—Subsec. (d). Pub. L. 92-129 added subsec. (d).

1967—Subsec. (a). Pub. L. 90-40, §1(11)(a), struck out requirement that a request of the Attorney General precede the granting of precedence to the trial of cases arising under this title and inserted provision that appeals from a decision or decree of any United States District Court or United States Court of Appeals take precedence over all other cases pending before the court to which the case has been referred.

Subsec. (c). Pub. L. 90-40, §1(11)(b), added subsec. (c).

1965—Subsec. (b)(3). Pub. L. 89-152 prohibited a person from knowingly destroying or knowingly mutilating any registration certificate or other prescribed certificate.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Section 1113(b) of Pub. L. 97-252 provided that: “The amendment made by subsection (a) [amending this section] shall apply to loans, grants, or work assistance under title IV of the Higher Education Act [20 U.S.C. 1070 et seq.; 42 U.S.C. 2751 et seq.] for periods of instruction beginning after June 30, 1983.”

#### STUDY ON COMPLIANCE OF HEALTH PROFESSIONS SCHOOLS WITH MILITARY SELECTIVE SERVICE ACT

Pub. L. 99-129, title II, §222, Oct. 22, 1985, 99 Stat. 544, directed Secretary of Health and Human Services, in cooperation with Director of Selective Service, to conduct a study to determine if health professions schools are engaged in a pattern or practice of failure to comply with section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f)) (or regulations issued under such section) or are engaged in a pattern or practice of providing loans or work assistance to persons who are required to register under section 3 of such Act [50 App. U.S.C. 453] (and any proclamation of the President and regulations prescribed under that section) and have not so registered with Secretary and to complete the study and report its results to Congress not later than one year after Oct. 22, 1985.

#### ADVERTISING PROHIBITION ON SPECIAL DISCHARGE REVIEW PROGRAM

Pub. L. 95-79, title VIII, §810, July 30, 1977, 91 Stat. 335, prohibited the use of funds authorized or appropriated under this or any other Act to purchase advertising of the special discharge review program.

#### PROC. NO. 4313. PROGRAM FOR RETURN OF VIETNAM ERA DRAFT EVADERS AND MILITARY DESERTERS

Proc. No. 4313, Sept. 16, 1974, 39 F.R. 33293, 88 Stat. 2504, as amended by Proc. No. 4345, Jan. 30, 1975, 40 F.R.

4893, 89 Stat. 1236; Proc. No. 4353, Feb. 28, 1975, 40 F.R. 8931, 10433, 89 Stat. 1246, provided:

The United States withdrew the last of its forces from the Republic of Vietnam on March 28, 1973.

In the period of its involvement in armed hostilities in Southeast Asia, the United States suffered great losses. Millions served their country, thousands died in combat, thousands more were wounded, others are still listed as missing in action.

Over a year after the last American combatant had left Vietnam, the status of thousands of our countrymen—convicted, charged, investigated or still sought for violations of the Military Selective Service Act [see References in Text note set out under section 451 of this Appendix] or of the Uniform Code of Military Justice [10 U.S.C. 801 et seq.]—remains unresolved.

In furtherance of our national commitment to justice and mercy these young Americans should have the chance to contribute a share to the rebuilding of peace among ourselves and with all nations. They should be allowed the opportunity to earn return to their country, their communities, and their families, upon their agreement to a period of alternate service in the national interest, together with an acknowledgment of their allegiance to the country and its Constitution.

Desertion in time of war is a major, serious offense; failure to respond to the country's call for duty is also a serious offense. Reconciliation among our people does not require that these acts be condoned. Yet, reconciliation calls for an act of mercy to bind the Nation's wounds and to heal the scars of divisiveness.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States, pursuant to my powers under Article II, Sections 1, 2 and 3 of the Constitution, do hereby proclaim a program to commence immediately to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. *Draft Evaders*—An individual who allegedly unlawfully failed under the Military Selective Service Act [see References in Text note set out under section 451 of this Appendix] or any rule or regulation promulgated thereunder, to register or register on time, to keep the local board informed of his current address, to report for or submit to preinduction or induction examination, to report for or submit to induction itself, or to report for or submit to, or complete service under section 6(j) of such Act [section 456(j) of this Appendix] during the period from August 4, 1964 to March 28, 1973, inclusive, and who has not been adjudged guilty in a trial for such offense, will be relieved of prosecution and punishment for such offense if he:

(i) presents himself to a United States Attorney before March 31, 1975,

(ii) executes an agreement acknowledging his allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service, and

(iii) satisfactorily completes such service.

The alternate service shall promote the national health, safety, or interest. No draft evader will be given the privilege of completing a period of alternate service by service in the Armed Forces.

However, this program will not apply to an individual who is precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) or other law. Additionally, if individuals eligible for this program have other criminal charges outstanding, their participation in the program may be conditioned upon, or postponed until after, final disposition of the other charges has been reached in accordance with law.

The period of service shall be twenty-four months, which may be reduced by the Attorney General because of mitigating circumstances.

2. *Military Deserters*—A member of the armed forces who has been administratively classified as a deserter by reason of unauthorized absence and whose absence commenced during the period from August 4, 1964 to March 28, 1973, inclusive, will be relieved of prosecution and punishment under Articles 85, 86 and 87 of the Uni-

form Code of Military Justice [10 U.S.C. 885, 886, 887] for such absence and for offenses directly related thereto if before March 31, 1975 he takes an oath of allegiance to the United States and executes an agreement with the Secretary of the Military Department from which he absented himself or for members of the Coast Guard, with the Secretary of Transportation, pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service. The alternate service shall promote the national health, safety, or interest.

The period of service shall be twenty-four months, which may be reduced by the Secretary of the appropriate Military Department, or Secretary of Transportation for members of the Coast Guard, because of mitigating circumstances.

However, if a member of the armed forces has additional outstanding charges pending against him under the Uniform Code of Military Justice [10 U.S.C. 801 et seq.], his eligibility to participate in this program may be conditioned upon, or postponed until after, final disposition of the additional charges has been reached in accordance with law.

Each member of the armed forces who elects to seek relief through this program will receive an undesirable discharge. Thereafter, upon satisfactory completion of a period of alternate service prescribed by the Military Department or Department of Transportation, such individual will be entitled to receive, in lieu of his undesirable discharge, a clemency discharge in recognition of his fulfillment of the requirements of the program. Such clemency discharge shall not bestow entitlement to benefits administered by the Veterans Administration.

Procedures of the Military Departments implementing this Proclamation will be in accordance with guidelines established by the Secretary of Defense, present Military Department regulations notwithstanding.

3. *Presidential Clemency Board*—By Executive Order I have this date established a Presidential Clemency Board which will review the records of individuals within the following categories: (i) those who have been convicted of draft evasion offenses as described above, (ii) those who have received a punitive or undesirable discharge from service in the armed forces for having violated Article 85, 86, or 87 of the Uniform Code of Military Justice [10 U.S.C. 885, 886, 887] between August 4, 1964 and March 28, 1973, or are serving sentences of confinement for such violations. Where appropriate, the Board may recommend that clemency be conditioned upon completion of a period of alternate service. However, if any clemency discharge is recommended, such discharge shall not bestow entitlement to benefits administered by the Veterans Administration.

4. *Alternate Service*—In prescribing the length of alternate service in individual cases, the Attorney General, the Secretary of the appropriate Department, or the Clemency Board shall take into account such honorable service as an individual may have rendered prior to his absence, penalties already paid under law, and such other mitigating factors as may be appropriate to seek equity among those who participate in this program.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD.

PROC. NO. 4483. PARDON FOR VIOLATIONS OF ACT, AUGUST 4, 1964 TO MARCH 28, 1973

Proc. No. 4483, Jan. 21, 1977, 42 F.R. 4391, 91 Stat. 1719, provided:

Acting pursuant to the grant of authority in Article II, Section 2, of the Constitution of the United States, I, Jimmy Carter, President of the United States, do hereby grant a full, complete and unconditional pardon to: (1) all persons who may have committed any offense between August 4, 1964 and March 28, 1973 in violation of the Military Selective Service Act [see References in

Text note set out under section 451 of this Appendix] or any rule or regulation promulgated thereunder; and (2) all persons heretofore convicted, irrespective of the date of conviction, of any offense committed between August 4, 1964 and March 28, 1973 in violation of the Military Selective Service Act, or any rule or regulation promulgated thereunder, restoring to them full political, civil and other rights.

This pardon does not apply to the following who are specifically excluded therefrom:

(1) All persons convicted of or who may have committed any offense in violation of the Military Selective Service Act, or any rule or regulation promulgated thereunder, involving force or violence; and

(2) All persons convicted of or who may have committed any offense in violation of the Military Selective Service Act, or any rule or regulation promulgated thereunder, in connection with duties or responsibilities arising out of employment as agents, officers or employees of the Military Selective Service system.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of January, in the year of our Lord nineteen hundred and seventy-seven, and of the Independence of the United States of America the two hundred and first.

JIMMY CARTER.

EX. ORD. NO. 11803. CLEMENCY BOARD TO REVIEW CERTAIN CONVICTIONS AND DISCHARGES

Ex. Ord. No. 11803, Sept. 16, 1974, 39 F.R. 33297, as amended by Ex. Ord. No. 11837, Jan. 30, 1975, 40 F.R. 4895; Ex. Ord. No. 11842, Feb. 28, 1975, 40 F.R. 8935; Ex. Ord. No. 11857, May 7, 1975, 40 F.R. 20261; Ex. Ord. No. 11878, Sept. 10, 1975, 40 F.R. 42731, provided:

By virtue of the authority vested in me as President of the United States by Section 2 of Article II of the Constitution of the United States, and in the interest of the internal management of the Government, it is ordered as follows:

SECTION 1. There is hereby established in the Executive Office of the President a board of 9 members, which shall be known as the Presidential Clemency Board. The members of the Board shall be appointed by the President, who shall also designate its Chairman. The President may appoint such additional members to the board as he shall from time to time determine to be necessary to carry out its functions.

SEC. 2. The Board, under such regulations as it may prescribe, shall examine the cases of persons who apply for Executive clemency prior to March 31, 1975, and who (i) have been convicted of violating Section 12 or 6(j) of the Military Selective Service Act (50 App. U.S.C. § 462) [this section and section 456(j) of this Appendix], or of any rule or regulation promulgated pursuant to that section, for acts committed between August 4, 1964 and March 28, 1973, inclusive, or (ii) have received punitive or undesirable discharges as a consequence of violations of Articles 85, 86 or 87 of the Uniform Code of Military Justice (10 U.S.C. §§ 885, 886, 887) that occurred between August 4, 1964 and March 28, 1973, inclusive, or are serving sentences of confinement for such violations. The Board will only consider the cases of Military Selective Service Act violators who were convicted of unlawfully failing (i) to register or register on time, (ii) to keep the local board informed of their current address, (iii) to report for or submit to preinduction or induction examination, (iv) to report for or submit to induction itself, or (v) to report for or submit to, or complete service under Section 6(j) of such Act [section 456(j) of this Appendix]. However, the Board will not consider the cases of individuals who are precluded from reentering the United States under [former] 8 U.S.C. 182(a)(22) or other law.

SEC. 3. The Board shall report to the President its findings and recommendations as to whether Executive clemency should be granted or denied in any case. If clemency is recommended, the Board shall also recommend the form that such clemency should take, in-

cluding clemency conditioned upon a period of alternate service in the national interest. In the case of an individual discharged from the armed forces with a punitive or undesirable discharge, the Board may recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge. Determination of any period of alternate service shall be in accord with the Proclamation [Proc. No. 4313, set out above] announcing a program for the return of Vietnam era draft evaders and military deserters.

SEC. 4. The Board shall give priority consideration to those applicants who are presently confined and have been convicted only of an offense set forth in section 2 of this order, and who have no outstanding criminal charges.

SEC. 5. Each member of the Board, except any member who then receives other compensation from the United States, may receive compensation for each day he or she is engaged upon the work of the Board at not to exceed the daily rate now or hereafter prescribed by law for persons and positions in GS-18, as authorized by law (5 U.S.C. 3109), and may also receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the government service employed intermittently.

SEC. 6. Necessary expenses of the Board may be paid from the Unanticipated Personnel Needs Fund of the President or from such other funds as may be available.

SEC. 7. Necessary administrative services and support may be provided the Board by the General Services Administration on a reimbursable basis.

SEC. 8. All department and agencies in the Executive branch are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance, to the extent permitted by law.

SEC. 9. The Board shall submit its final recommendations to the President not later than September 15, 1975, at which time it shall cease to exist.

GERALD R. FORD.

EX. ORD. NO. 11804. DELEGATION OF CERTAIN FUNCTIONS OF PRESIDENT TO DIRECTOR OF SELECTIVE SERVICE

Ex. Ord. No. 11804, Sept. 16, 1974, 39 F.R. 33299, provided:

By virtue of the authority vested in me as President of the United States, pursuant to my powers under Article II, Sections 1, 2 and 3 of the Constitution, and under Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Director of Selective Service is designated and empowered, without the approval, ratification or other action of the President, under such regulations as he may prescribe, to establish, implement, and administer the program of alternate service authorized in the Proclamation [set out above] announcing a program for the return of Vietnam era draft evaders and military deserters.

SEC. 2. Departments and agencies in the Executive branch shall, upon the request of the Director of Selective Service, cooperate and assist in the implementation or administration of the Director's duties under this Order, to the extent permitted by law.

GERALD R. FORD.

EX. ORD. NO. 11878. ASSIGNING RESPONSIBILITIES RELATING TO ACTIVITIES OF PRESIDENTIAL CLEMENCY BOARD

Ex. Ord. No. 11878, Sept. 10, 1975, 40 F.R. 42731, provided:

By virtue of the authority vested in me by the Constitution of the United States of America, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. Section 9 of Executive Order No. 11803 of September 16, 1974, as amended [set out above] is amended to read:

"The Board shall submit its final recommendations to the President not later than September 15, 1975, at which time it shall cease to exist."

SEC. 2. Any applications for Executive clemency, as to which the Presidential Clemency Board (established by Executive Order No. 11803) [set out above] has not taken final action shall be transferred, together with the files related thereto, to the Attorney General.

SEC. 3. The Attorney General, with respect to the applications and related files transferred to him by Section 2 of this Order, shall take all actions appropriate or necessary to complete the clemency process and shall expeditiously report to the President his findings and recommendations as to whether Executive clemency should be granted or denied in any case. In performing his responsibilities under this Order, the Attorney General shall apply the relevant criteria and comply with the appropriate and applicable instructions and procedures established by Executive Order No. 11803 of September 16, 1974, as amended [set out above], Proclamation No. 4313 of September 16, 1974, as amended [set out above], Executive Order No. 11804 of September 16, 1974 [set out above], and, to the extent that he deems appropriate, the regulations of the Presidential Clemency Board and the Selective Service System issued pursuant to the foregoing Executive orders.

SEC. 4. The Director of the Office of Management and Budget is hereby designated and empowered to take such action as he deems necessary to ensure the orderly and prompt termination of the activities of the Presidential Clemency Board and the assignment of responsibilities directed by this Order.

SEC. 5. Departments and agencies in the Executive branch shall, to the extent permitted by law, cooperate with and assist the Attorney General, the Director of the Selective Service and the Director of the Office of Management and Budget in the performance of their responsibilities under this Order.

SEC. 6. The responsibilities assigned under this Order are to be completed no later than March 31, 1976, at which time the Attorney General shall submit his final recommendations to the President.

GERALD R. FORD.

EX. ORD. NO. 11967. IMPLEMENTATION OF PARDON FOR VIOLATIONS OF ACT, AUGUST 4, 1964 TO MARCH 28, 1973

Ex. Ord. No. 11967, Jan. 21, 1977, 42 F.R. 4393, provided: The following actions shall be taken to facilitate Presidential Proclamation of Pardon of January 21, 1977 [set out above]:

1. The Attorney General shall cause to be dismissed with prejudice to the Government all pending indictments for violations of the Military Selective Service Act [see References in Text note set out under section 451 of this Appendix] alleged to have occurred between August 4, 1964 and March 28, 1973 with the exception of the following:

(a) Those cases alleging acts of force or violence deemed to be so serious by the Attorney General as to warrant continued prosecution; and

(b) Those cases alleging acts in violation of the Military Selective Service Act by agents, employees or officers of the Selective Service System arising out of such employment.

2. The Attorney General shall terminate all investigations now pending and shall not initiate further investigations alleging violations of the Military Selective Service Act [see References in Text note set out under section 451 of this Appendix] between August 4, 1964 and March 28, 1973, with the exception of the following:

(a) Those cases involving allegations of force or violence deemed to be so serious by the Attorney General as to warrant continued investigation, or possible prosecution; and

(b) Those cases alleging acts in violation of the Military Selective Service Act by agents, employees or officers of the Selective Service System arising out of such employment.

3. Any person who is or may be precluded from reentering the United States under [former] 8 U.S.C. 1182(a)(22) or under any other law, by reason of having

committed or apparently committed any violation of the Military Selective Service Act [see References in Text note set out under section 451 of this Appendix] shall be permitted as any other alien to reenter the United States.

The Attorney General is directed to exercise his discretion under 8 U.S.C. 1182(d)(5) or other applicable law to permit the reentry of such persons under the same terms and conditions as any other alien.

This shall not include anyone who falls into the exceptions of paragraphs 1(a) and (b) and 2(a) and (b) above.

4. Any individual offered conditional clemency or granted a pardon or other clemency under Executive Order 11803 [set out above] or Presidential Proclamation 4313, dated September 16, 1974 [set out above], shall receive the full measure of relief afforded by this program if they are otherwise qualified under the terms of this Executive Order.

JIMMY CARTER.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 456, 460 of this Appendix.

#### § 463. Nonapplicability of certain laws

(a) Nothing in sections 203, 205, or 207 of title 18 of the United States Code, or in the second sentence of subsection (a) of section 9 of the Act of August 2, 1939 (53 Stat. 1148), entitled "An Act to prevent pernicious political activities", as amended, shall be deemed to apply to any person because of his appointment under authority of this title [sections 451 to 471a of this Appendix] or the regulations made pursuant thereto as an uncompensated official of the Selective Service System, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant or noncombatant training because of conscientious objections, or as a member of the National Selective Service Appeal Board.

(b) All functions performed under this title [sections 451 to 471a of this Appendix] shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) [5 U.S.C. 551 et seq. and 701 et seq.] except as to the requirements of section 3 of such Act [5 U.S.C. 552]. Notwithstanding the foregoing sentence, no regulation issued under this Act shall become effective until the expiration of thirty days following the date on which such regulation has been published in the Federal Register. After the publication of any regulation and prior to the date on which such regulation becomes effective, any person shall be given an opportunity to submit his views to the Director on such regulation, but no formal hearing shall be required on any such regulation. The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued.

(c) In computing the lump-sum payments made to Air Force reserve officers under the provisions of section 2 of the Act of June 16, 1936, as amended and to reserve officers of the Navy or to their beneficiaries under section 12 of the Act of August 4, 1942, as amended, no credit shall be allowed for any period of active service performed from the effective date of this title [June 24, 1948] to the date on which this title

[sections 451 to 471a of this Appendix] shall cease to be effective. Each such lumpsum payment shall be prorated for a fractional part of a year of active service in the case of any reserve officer subject to the provisions of either such section, if such reserve officer performs continuous active service for one or more years (inclusive of such service performed during the period in which this title [said sections] is effective) and such active service includes a fractional part of a year immediately prior to the effective date of this title [June 24, 1948], or immediately following the date on which this title [said sections] shall cease to be effective, or both.

(June 24, 1948, ch. 625, title I, §13, 62 Stat. 623; June 19, 1951, ch. 144, title I, §1(t), 65 Stat. 87; Pub. L. 88-110, §6, Sept. 3, 1963, 77 Stat. 136; Pub. L. 92-129, title I, §101(a)(32), Sept. 28, 1971, 85 Stat. 353.)

#### REFERENCES IN TEXT

The second sentence of subsection (a) of section 9 of the Act of August 2, 1939, referred to in subsec. (a), was classified to section 118i(a) of former Title 5 and was repealed by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378, and reenacted as section 7324(a)(2) of Title 5, Government Organization and Employees. Section 7324 of Title 5 was omitted and a new section 7324 enacted in the general amendment of subchapter III of chapter 73 of Title 5 by Pub. L. 103-94, §2(a), Oct. 6, 1993, 107 Stat. 1001. See section 7323(b)(2)(A) of Title 5.

The Administrative Procedure Act, referred to in subsec. (b), is act June 11, 1946, ch. 324, 60 Stat. 237, as amended, which was classified to sections 1001 to 1011 of former Title 5 and which was repealed by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378, and reenacted as subchapter II (§551 et seq.) of chapter 5, and chapter 7 (§701 et seq.), of Title 5, Government Organization and Employees.

This Act, referred to in subsec. (b), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, known as the Military Selective Service Act. For complete classification of this Act to the Code, see References in Text note set out under section 451 of this Appendix and Tables.

Section 2 of the Act of June 16, 1936, as amended, referred to in subsec. (c), is section 2 of act June 16, 1936, ch. 587, 49 Stat. 1524, as amended Apr. 3, 1939, ch. 35, §11, 53 Stat. 559; June 3, 1941, ch. 165, §6, 55 Stat. 240; July 25, 1947, ch. 323, 61 Stat. 424; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501, which is not classified to the Code.

Section 12 of the Act of August 4, 1942, as amended, referred to in subsec. (c), is section 12 of act Aug. 4, 1942, ch. 547, 56 Stat. 738, as amended Oct. 25, 1943, ch. 275, §1, 57 Stat. 574; July 25, 1947, ch. 323, 61 Stat. 424, which is not classified to the Code.

Date on which this title shall cease to be effective, referred to in subsec. (c), is defined in section 467 of this Appendix.

#### AMENDMENTS

1971—Subsec. (b). Pub. L. 92-129 inserted provisions covering the publication of regulations in the Federal Register.

1963—Subsec. (a). Pub. L. 88-110 substituted “sections 203, 205, or 207 of title 18 of the United States Code” for “sections 281, 283, or 284 of title 18 of the United States Code, in section 190 of the Revised Statutes (U.S.C., title 5, sec. 99)”.

1951—Subsec. (a). Act June 19, 1951, brought within its provisions members of the National Selective Service Appeal Board.

#### § 464. Soldiers’ and Sailors’ Civil Relief Act as applicable

Notwithstanding the provisions of section 604 of the Act of October 17, 1940 (54 Stat. 1191) [sec-

tion 584 of this Appendix], and the provisions of section 4 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress) [section 584 note of this Appendix], all of the provisions of the Soldiers’ and Sailors’ Civil Relief Act of 1940, as amended [sections 501 to 593 of this Appendix], including specifically article IV thereof [sections 540 to 548 of this Appendix], shall be applicable to all persons in the armed forces of the United States, including all persons inducted into the armed forces pursuant to this title [sections 451 to 471a of this Appendix] or the Public Health Service, until such time as the Soldiers’ and Sailors’ Civil Relief Act of 1940, as amended [sections 501 to 593 of this Appendix] is repealed or otherwise terminated by subsequent Act of the Congress: *Provided*, That, with respect to persons inducted into the armed forces while this title [said sections] is in effect, wherever under any section or provision of the Soldiers’ and Sailors’ Civil Relief Act of 1940, as amended [sections 501 to 593 of this Appendix] a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed while such Act is in force, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

(June 24, 1948, ch. 625, title I, §14, 62 Stat. 623; Sept. 27, 1950, ch. 1059, §1(11), 64 Stat. 1074.)

#### REFERENCES IN TEXT

The Soldiers’ and Sailors’ Civil Relief Act of 1940, as amended, referred to in text, is act Oct. 17, 1940, ch. 888, 54 Stat. 1178, as amended, which is classified to section 501 et seq. of this Appendix. For complete classification of this Act to the Code, see section 501 of this Appendix.

#### AMENDMENTS

1950—Act Sept. 27, 1950, struck out “, the Coast Guard” after “to this title”.

#### TRANSFER OF FUNCTIONS

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out in the Appendix to Title 5, Government Organization and Employees. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3508(b) of Title 20, Education.

#### TERMINATION OF WAR

Termination of war with respect to article IV of Soldiers’ and Sailors’ Civil Relief Act, referred to in text, see note set out under section 584 of this Appendix.

#### § 465. Notice of requirements of Act; voluntary enlistments unaffected

(a) Every person shall be deemed to have notice of the requirements of this title [sections 451 to 471a of this Appendix] upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3 [section 453 of this Appendix].

(b) It shall be the duty of every registrant to keep his local board informed as to his current

address and changes in status as required by such rules and regulations as may be prescribed by the President.

(c) If any provision of this title [sections 451 to 471a of this Appendix], or the application thereof to any person or circumstance, is held invalid, the remainder of the title [said sections], and the application of such provision to other persons or circumstances, shall not be affected thereby.

(d) Except as provided in section 4(c) [section 454(c) of this Appendix], nothing contained in this title [sections 451 to 471a of this Appendix] shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the Armed Forces of the United States, including the reserve components thereof, except that no person shall be accepted for enlistment after he has been issued an order to report for induction unless authorized by the Director and the Secretary of Defense and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense.

(e) In order to assist the Armed Forces in recruiting individuals for voluntary service in the Armed Forces, the Director shall, upon the request of the Secretary of Defense or the Secretary of Transportation, furnish to the Secretary the names and addresses of individuals registered under this Act. Names and addresses furnished pursuant to the preceding sentence may be used by the Secretary of Defense or Secretary of Transportation only for recruiting purposes.

(June 24, 1948, ch. 625, title I, § 15, 62 Stat. 624; Pub. L. 92-129, title I, § 101(a)(33), Sept. 28, 1971, 85 Stat. 353; Pub. L. 97-86, title IX, § 916(c), Dec. 1, 1981, 95 Stat. 1129.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (e), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, known as the Military Selective Service Act. For complete classification of this Act to the Code, see References in Text note set out under section 451 of this Appendix and Tables.

#### AMENDMENTS

1981—Subsec. (e). Pub. L. 97-86 added subsec. (e).

1971—Subsec. (d). Pub. L. 92-129 inserted provision empowering the Director and the Secretary of Defense to authorize voluntary enlistments and reenlistments in the Armed Forces after a person has been issued an order to report for induction and struck out reference to section 454(g) of this Appendix.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 456 of this Appendix.

### § 466. Definitions

When used in this title [sections 451 to 471a of this Appendix]—

(a) The term “between the ages of eighteen and twenty-six” shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the twen-

ty-sixth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

(b) The term “United States”, when used in a geographical sense, shall be deemed to mean the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(c) The term “armed forces” shall be deemed to include the Army, the Navy, the Marine Corps, the Air Force, and the Coast Guard.

(d) The term “district court of the United States” shall be deemed to include the courts of the United States for the Territories and possessions of the United States.

(e) The term “local board” shall be deemed to include an intercounty local board in the case of any registrant who is subject to the jurisdiction of an intercounty local board.

(f) The term “Director” shall be deemed to mean the Director of the Selective Service System.

(g)(1) The term “duly ordained minister of religion” means a person who has been ordained, in accordance with the ceremonial, ritual, or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

(2) The term “regular minister of religion” means one who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

(3) The term “regular or duly ordained minister of religion” does not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and does not include any person who may have been duly ordained a minister in accordance with the ceremonial, rite, or discipline of a church, religious sect or organization, but who does not regularly, as a bona fide vocation, teach and preach the principles of religion and administer the ordinances of public worship as embodied in the creed or principles of his church, sect, or organization.

(h) The term “organized unit”, when used with respect to a reserve component, shall be deemed to mean a unit in which the members thereof are required satisfactorily to participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(i) The term “reserve components of the armed forces” shall, unless the context otherwise requires, be deemed to include the federally recognized National Guard of the United States, the federally recognized Air National Guard of the United States, the Officers’ Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Re-

serve, the Marine Corps Reserve, and the Coast Guard Reserve, and shall include, in addition to the foregoing, the Public Health Service Reserve when serving with the armed forces.

(June 24, 1948, ch. 625, title I, § 16, 62 Stat. 624; Sept. 27, 1950, ch. 1059, § 1(12), (13), 64 Stat. 1074; June 19, 1951, ch. 144, title I, § 1(v), 65 Stat. 87; Pub. L. 86-70, § 36, June 25, 1959, 73 Stat. 150; Pub. L. 86-624, § 39, July 12, 1960, 74 Stat. 422; Pub. L. 92-129, title I, § 101(a)(34), Sept. 28, 1971, 85 Stat. 353.)

#### AMENDMENTS

1971—Subsec. (g)(3). Pub. L. 92-129 inserted “bona fide” before “vocation”.

1960—Subsec. (b). Pub. L. 86-624 struck out “Hawaii,” before “Puerto Rico”.

1959—Subsec. (b). Pub. L. 86-70 struck out “Alaska,” after “District of Columbia.”

1951—Subsec. (b). Act June 19, 1951, brought “Guam” within definition of “United States”.

1950—Subsec. (c). Act Sept. 27, 1950, § 1(12), struck out “and” after “Corps” and inserted “, and the Coast Guard” before the period.

Subsec. (i). Act Sept. 27, 1950, § 1(13), struck out “and” after “Naval Reserve” and “, the Coast Guard Reserve” after “foregoing” and inserted “and the Coast Guard Reserve” after “Marine Corps Reserve”.

#### TRANSFER OF FUNCTIONS

Coast Guard transferred to Department of Transportation, and functions, powers, and duties relating to Coast Guard of Secretary of the Treasury and of all other officers and offices of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Coast Guard, and Commandant of Coast Guard, excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out in the Appendix to Title 5, Government Organization and Employees. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3508(b) of Title 20, Education.

#### § 467. Repeals; appropriations; termination date

(a) Except as provided in this title [sections 451 to 471a of this Appendix] all laws or any parts of laws in conflict with the provisions of the title [said sections] are repealed to the extent of such conflict.

(b) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title [sections 451 to 471a of this Appendix]. All funds appropriated for the administrative expenses of the

National Security Training Commission shall be appropriated directly to the Commission and all funds appropriated to pay the expenses of training carried out by the military departments designated by the Commission shall be appropriated directly to the Department of Defense.

(c) Notwithstanding any other provisions of this title [sections 451 to 471a of this Appendix], no person shall be inducted for training and service in the Armed Forces after July 1, 1973, except persons now or hereafter deferred under section 6 of this title [section 456 of this Appendix] after the basis for such deferment ceases to exist.

(June 24, 1948, ch. 625, title I, § 17, 62 Stat. 625; June 23, 1950, ch. 351, 64 Stat. 254; June 30, 1950, ch. 445, § 1, 64 Stat. 318; June 19, 1951, ch. 144, title I, § 1(w), 65 Stat. 87; June 30, 1955, ch. 250, title I, § 102, 69 Stat. 224; Pub. L. 86-4, § 1, Mar. 23, 1959, 73 Stat. 13; Pub. L. 88-2, § 1, Mar. 28, 1963, 77 Stat. 4; Pub. L. 90-40, § 1(12), June 30, 1967, 81 Stat. 105; Pub. L. 92-129, title I, § 101(a)(35), Sept. 28, 1971, 85 Stat. 353.)

#### AMENDMENTS

1971—Subsec. (c). Pub. L. 92-129 extended termination date from July 1, 1971, to July 1, 1973.

1967—Subsec. (c). Pub. L. 90-40 extended termination date from July 1, 1967, to July 1, 1971.

1963—Subsec. (c). Pub. L. 88-2 extended termination date from July 1, 1963, to July 1, 1967.

1959—Subsec. (c). Pub. L. 86-4 extended termination date from July 1, 1959, to July 1, 1963.

1955—Subsec. (c). Act June 30, 1955, extended termination date from July 1, 1955, to July 1, 1959.

1951—Act June 19, 1951, amended section generally to provide for repeal of all conflicting laws, to appropriate certain funds directly to the Commission, and to provide for the termination date of July 1, 1955.

1950—Subsec. (b). Acts June 23, 1950 and June 30, 1950, extended period of effectiveness for fifteen days until July 9, 1950, and again from July 9, 1950, to July 9, 1951.

#### EFFECTIVE DATE OF 1971 AMENDMENT

Section 101(a)(35) of Pub. L. 92-129 provided in part that: “The amendment made by the preceding sentence [amending this section] shall take effect July 2, 1971.”

#### TERMINATION OF NATIONAL SECURITY TRAINING COMMISSION

National Security Training Commission expired June 30, 1957, pursuant to a Presidential letter on Mar. 25, 1957, following its own recommendation for its termination.

#### § 468. Utilization of industry

(a) **Placement of orders; Congressional action: notification of committees of certain proposed payment orders, resolution of disapproval, continuity of session, computation of period; “small business” defined**

Whenever the President after consultation with and receiving advice from the National Security Resources Board<sup>1</sup> determines that it is in the interest of the national security for the Government to obtain prompt delivery of any articles or materials the procurement of which has been authorized by the Congress exclusively for the use of the armed forces of the United States, or for the use of the Atomic Energy Commission,<sup>1</sup> he is authorized, through the head of any

<sup>1</sup> See Transfer of Functions note below.

Government agency, to place with any person operating a plant, mine, or other facility capable of producing such articles or materials an order for such quantity of such articles or materials as the President deems appropriate, except that no order which requires payments thereunder in excess of \$25,000,000 shall be placed with any person unless the Committees on Armed Services of the Senate and the House of Representatives have been notified in writing of such proposed order and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees and neither House of Congress has adopted, within such 60-day period, a resolution disapproving such order. For purposes of the preceding sentence, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period. Any person with whom an order is placed pursuant to the provisions of this section shall be advised that such order is placed pursuant to the provisions of this section. Under any such program of national procurement, the President shall recognize the valid claim of American small business to participate in such contracts, in such manufactures, and in such distribution of materials, and small business shall be granted a fair share of the orders placed, exclusively for the use of the armed forces or for other Federal agencies now or hereafter designated in this section. For the purposes of this section, a business enterprise shall be determined to be "small business" if (1) its position in the trade or industry of which it is a part is not dominant, (2) the number of its employees does not exceed 500, and (3) it is independently owned and operated.

**(b) Precedence of Government placed orders**

It shall be the duty of any person with whom an order is placed pursuant to the provisions of subsection (a), (1) to give such order such precedence with respect to all other orders (Government or private) theretofore or thereafter placed with such person as the President may prescribe, and (2) to fill such order within the period of time prescribed by the President or as soon thereafter as possible.

**(c) Failure to give precedence; Government possession**

In case any person with whom an order is placed pursuant to the provisions of subsection (a) of this section refuses or fails—

- (1) to give such order such precedence with respect to all other orders (Government or private) theretofore or thereafter placed with such person as the President may have prescribed;
- (2) to fill such order within the period of time prescribed by the President or as soon thereafter as possible as determined by the President;
- (3) to produce the kind or quality of articles or materials ordered; or
- (4) to furnish the quantity, kind, and quality of articles or materials ordered at such price as shall be negotiated between such person and

the Government agency concerned; or in the event of failure to negotiate a price, to furnish the quantity, kind, and quality of articles or materials ordered at such price as he may subsequently be determined to be entitled to receive under subsection (d);

the President is authorized to take immediate possession of any plant, mine, or other facility of such person and to operate it, through any Government agency, for the production of such articles or materials as may be required by the Government.

**(d) Payment of compensation by United States**

Fair and just compensation shall be paid by the United States (1) for any articles or materials furnished pursuant to an order placed under subsection (a) of this section, or (2) as rental for any plant, mine, or other facility of which possession is taken under subsection (c).

**(e) Application of Federal and State laws governing employees**

Nothing contained in this section shall be deemed to render inapplicable to any plant, mine, or facility of which possession is taken pursuant to subsection (c) any State or Federal laws concerning the health, safety, security, or employment standards of employees.

**(f) Penalties**

Any person, or any officer of any person as defined in this section, who willfully fails or refuses to carry out any duty imposed upon him by subsection (b) of this section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than three years, or by a fine of not more than \$50,000, or by both such imprisonment and fine.

**(g) "Person" and "Government agency" defined**

(1) As used in this section—

(A) The term "person" means any individual, firm, company, association, corporation, or other form of business organization.

(B) The term "Government agency" means any department, agency, independent establishment, or corporation in the Executive branch of the United States Government.

(2) For the purposes of this section, a plant, mine, or other facility shall be deemed capable of producing any articles or materials if it is then producing or furnishing such articles or materials or if the President after consultation with and receiving advice from the National Security Resources Board determines that it can be readily converted to the production or furnishing of such articles or materials.

**(h) Rules and regulations governing steel industry; mandatory**

The President is empowered, through the Secretary of Defense, to require all producers of steel in the United States to make available, to individuals, firms, associations, companies, corporations, or organized manufacturing industries having orders for steel products or steel materials required by the armed forces, such percentages of the steel production of such producers, in equal proportion deemed necessary for the expeditious execution of orders for such products or materials. Compliance with such re-

quirement shall be obligatory on all such producers of steel and such requirement shall take precedence over all orders and contracts theretofore placed with such producers. If any such producer of steel or the responsible head or heads thereof refuses to comply with such requirement, the President, through the Secretary of Defense, is authorized to take immediate possession of the plant or plants of such producer and, through the appropriate branch, bureau, or department of the armed forces, to insure compliance with such requirement. Any such producer of steel or the responsible head or heads thereof refusing to comply with such requirement shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than three years and a fine not exceeding \$50,000.

(June 24, 1948, ch. 625, title I, §18, 62 Stat. 625; Pub. L. 93-155, title VIII, §807(d), Nov. 16, 1973, 87 Stat. 616; Pub. L. 101-510, div. A, title XIII, §1303(c), Nov. 5, 1990, 104 Stat. 1669.)

#### AMENDMENTS

1990—Subsec. (h). Pub. L. 101-510 struck out “(1)” before “The President is empowered” and struck out par. (2) which read as follows: “The President shall report to the Congress on the final day of each six-month period following the date of enactment of this Act the percentage figure, or if such information is not available, the approximate percentage figure, of the total steel production in the United States required to be made available during such period for the execution of orders for steel products and steel materials required by the armed forces, if such percentage figure is in excess of 10 per centum.”

1973—Subsec. (a). Pub. L. 93-155 provided for notification of Congressional Committees with respect to certain proposed payment orders, Congressional resolution of disapproval, continuity of Congressional session, and computation of period.

#### TRANSFER OF FUNCTIONS

Functions of Chairman of National Security Resources Board under this section, with respect to being consulted by and furnishing advice to President as required by this section, abolished by Reorg. Plan No. 3 of 1953, §5(a), eff. June 12, 1953, 18 F.R. 3375, 67 Stat. 634, set out in the Appendix to Title 5, Government Organization and Employees.

National Security Resources Board, together with its functions, records, property, personnel, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) transferred to Executive Office of President by Reorg. Plan No. 4 of 1949, eff. Aug. 19, 1949, 14 F.R. 5227, 63 Stat. 1067, set out in the Appendix to Title 5, Government Organization and Employees. For subsequent transfers to Office of Defense Mobilization, Office of Emergency Planning, Office of Emergency Preparedness, and President, see notes set out under section 404 of this title.

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See also Transfer of Functions notes set out under those sections.

#### DELEGATION OF AUTHORITY

For delegation of President's authority under this section with respect to placing of orders for prompt delivery of articles or materials, see section 102 of Ex. Ord. No. 12742, Jan. 8, 1991, 56 F.R. 1079, set out as a note under section 82 of Title 50, War and National Defense.

#### OBLIGATIONS ENTERED INTO BEFORE NOVEMBER 16, 1973

Amendment by Pub. L. 93-155 not affecting the carrying out of any contract, loan, guarantee, commitment,

or other obligation entered into prior to Nov. 16, 1973, see section 807(e) of Pub. L. 93-155, set out as a note under section 2307 of Title 10, Armed Forces.

#### § 469. Savings provision

Nothing in this title [sections 451 to 471a of this Appendix] shall be deemed to amend any provision of the National Security Act of 1947 (61 Stat. 495).

(June 24, 1948, ch. 625, title I, §19, 62 Stat. 627.)

#### REFERENCES IN TEXT

The National Security Act of 1947 (61 Stat. 495), referred to in text, is act July 26, 1947, ch. 343, 61 Stat. 495, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 50, War and National Defense, and Tables.

#### § 470. Effective date

This title [sections 451 to 471a of this Appendix] shall become effective immediately; except that unless the President, or the Congress by concurrent resolution, declares a national emergency after the date of enactment of this Act [June 24, 1948], no person shall be inducted or ordered into active service without his consent under this title [said sections] within ninety days after the date of its enactment.

(June 24, 1948, ch. 625, title I, §20, 62 Stat. 627; Sept. 27, 1950, ch. 1059, §1(14), 64 Stat. 1074; Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641.)

#### AMENDMENTS

1956—Act Aug. 10, 1956, repealed provisions requiring the Secretaries of the Army, Navy, and the Treasury to initiate and carry forward intensified voluntary enlistment campaigns for the Army, Air Force, Navy, Marine Corps, and the Coast Guard, which provisions are now covered by sections 3255 and 5531 of Title 10, Armed Forces, and section 350 of Title 14, Coast Guard.

1950—Act Sept. 27, 1950, struck out “and” after “Air Force” and inserted “and the Secretary of the Treasury, for the Coast Guard” after “Marine Corps”.

#### § 471. Authority of President to order Reserve components to active service; release from active duty; retention of unit organizations and equipment

Until July 1, 1953, and subject to the limitations imposed by section 2 of the Selective Service Act of 1948, as amended [section 452 of this Appendix], the President shall be authorized to order into the active military or naval service of the United States for a period of not to exceed twenty-four consecutive months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces. Unless he is sooner released under regulations prescribed by the Secretary of the military department concerned, any member of the inactive or volunteer reserve who served on active duty for a period of 12 months or more in any branch of the Armed Forces between the period December 7, 1941, and September 2, 1945, inclusive, who is now or may hereafter be ordered to active duty pursuant to this section, shall upon completion of 17 or more months of active duty since June 25, 1950, if he makes application therefor to the Secretary of the branch of service in which he is serving, be

released from active duty and shall not thereafter be ordered to active duty for periods in excess of 30 days without his consent except in time of war or national emergency hereafter declared by the Congress: *Provided*, That the foregoing shall not apply to any member of the inactive or volunteer reserve ordered to active duty whose rating or specialty is found by the Secretary of the military department concerned to be critical and whose release to inactive duty prior to the period for which he was ordered to active duty would impair the efficiency of the military department concerned.

The President may retain the unit organizations and the equipment thereof, exclusive of the individual members thereof, in the active Federal service for a total period of five consecutive years, and upon being relieved by the appropriate Secretary from active Federal service, National Guard, or Air National Guard units, shall, insofar as practicable, be returned to their National Guard or Air National Guard status in their respective States, Territories, the District of Columbia, and Puerto Rico, with pertinent records, colors, histories, trophies, and other historical impedimenta.

(June 24, 1948, ch. 625, title I, § 21, as added June 30, 1950, ch. 445, § 2, 64 Stat. 318; amended June 19, 1951, ch. 144, title I, § 1(x), 65 Stat. 87; July 7, 1952, ch. 584, § 1, 66 Stat. 440.)

#### AMENDMENTS

1952—Act July 7, 1952, authorized the President to retain unit organizations and their equipment, exclusive of individual members, for a period of five years.

1951—Act June 19, 1951, substituted “July 1, 1953” for “July 9, 1951”, “twenty-four months” for “twenty-one months”, and inserted last sentence.

#### EX. ORD. NO. 10271. DELEGATION OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 10271, July 7, 1951, 16 F.R. 6661, provided:

There is hereby delegated to the Secretary of Defense the authority vested in the President by section 21 of the Universal Military Training and Service Act (64 Stat. 318), as amended by the 1951 Amendments to the Universal Military Training and Service Act (65 Stat. 87; Public Law 51, 82d Congress) [this section], to order into the active military or naval service of the United States for a period not to exceed twenty-four months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces: *Provided*, that so much of the authority of the President under the said section 21, as amended [this section], as relates to any Reserve component of the United States Coast Guard or to retired personnel of the Regular Coast Guard is hereby delegated to the Secretary of the Treasury.

The Secretary of Defense is hereby authorized to redelegate, subject to such conditions as the Secretary may deem appropriate, to the Secretaries of the Army, Navy, and Air Force such functions under this order as affect their respective services.

HARRY S TRUMAN.

#### § 471a. Procedural rights

(a) It is hereby declared to be the purpose of this section to guarantee to each registrant asserting a claim before a local or appeal board, a fair hearing consistent with the informal and expeditious processing which is required by selective service cases.

(b) Pursuant to such rules and regulations as the President may prescribe—

(1) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to testify and present evidence regarding his status.

(2) Subject to reasonable limitations on the number of witnesses and the total time allotted to each registrant, each registrant shall have the right to present witnesses on his behalf before the local board.

(3) A quorum of any local board or appeal board shall be present during the registrant's personal appearance.

(4) In the event of a decision adverse to the claim of a registrant, the local or appeal board making such decision shall, upon request, furnish to such registrant a brief written statement of the reasons for its decision.

(June 24, 1948, ch. 625, title I, § 22, as added Pub. L. 92-129, title I, § 101(a)(36), Sept. 28, 1971, 85 Stat. 353.)

#### § 472. Period of increased service applicable to all personnel

Wherever in this amendatory Act the period of active service for any category of persons is increased, such increased period of service shall be applicable to all persons in such category serving on active duty in the Armed Forces on the date of the enactment of this amendatory Act [June 19, 1951].

(June 19, 1951, ch. 144, title I, § 4, 65 Stat. 88.)

#### CODIFICATION

Section was enacted as part of the 1951 Amendments to the Universal Military Training and Service Act, and not as part of the Military Selective Service Act, title I of which comprises sections 451 to 471a of this Appendix.

#### § 473. Regulations governing liquor sales; penalties

Subject to section 2683(c) of title 10, United States Code, the Secretary of Defense is authorized to make such regulations as he may deem to be appropriate governing the sale, consumption, possession of or traffic in beer, wine, or any other intoxicating liquors to or by members of the Armed Forces or the National Security Training Corps at or near any camp, station, post, or other place primarily occupied by members of the Armed Forces or the National Security Training Corps. Any person, corporation, partnership, or association who knowingly violates the regulations which may be made hereunder shall, unless otherwise punishable under the Uniform Code of Military Justice, be deemed guilty of a misdemeanor and be punished by a fine of not more than \$1,000 or imprisonment for not more than twelve months, or both.

(June 19, 1951, ch. 144, title I, § 6, 65 Stat. 88; Pub. L. 99-145, title XII, § 1224(b)(2), Nov. 8, 1985, 99 Stat. 729.)

#### REFERENCES IN TEXT

The Uniform Code of Military Justice, referred to in text, is classified generally to chapter 47 (§801 et seq.) of Title 10, Armed Forces.

## CODIFICATION

Section was enacted as a part of the 1951 Amendments to the Universal Military Training and Service Act, and not as a part of the Military Selective Service Act, title I of which comprises sections 451 to 471a of this Appendix.

## AMENDMENTS

1985—Pub. L. 99-145 substituted “Subject to section 2683(c) of title 10, United States Code, the” for “The”.

## EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-145 effective 90 days after Nov. 8, 1985, see section 1224(d) of Pub. L. 99-145, set out as a note under section 2683 of Title 10, Armed Forces.

**SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940**

ACT OCT. 17, 1940, CH. 888, 54 STAT. 1178

Sec.

501. Short title.

**ARTICLE I—GENERAL PROVISIONS**

- 510. Purpose; suspension of enforcement of civil liabilities.
- 511. Definitions.
- 512. Territorial application; jurisdiction of courts; form of procedure.
- 513. Protection of persons secondarily liable.
- 514. Extension of benefits to citizens serving with forces of war allies.
- 515. Notice of benefits to persons in and persons entering military service.
- 516. Extension of benefits to persons ordered to report for induction or military service.
- 517. Effect on rights, remedies, etc., pursuant to written agreements entered after commencement of military service.
- 518. Exercise of rights under Act not to affect certain future financial transactions.

**ARTICLE II—GENERAL RELIEF**

- 520. Default judgments; affidavits; bonds; attorneys for persons in service.
- 521. Stay of proceedings where military service affects conduct thereof.
- 522. Fines and penalties on contracts, etc.
- 523. Stay or vacation of execution of judgments, attachments, etc.
- 524. Duration and term of stays; codefendants not in service.
- 525. Statutes of limitations as affected by period of service.
- 526. Maximum rate of interest.
- 527. Limitations prescribed by internal revenue laws as affected by period of service.

**ARTICLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENTS, LEASES**

- 530. Eviction or distress during military service; stay; penalty for noncompliance; allotment of pay for payment.
- 531. Installment contracts for purchase of property.
- 532. Mortgages, trust deeds, etc.
- 533. Settlement of cases involving stayed proceedings to foreclose mortgage on, resume possession of, or terminate contract for purchase of, personal property.
- 534. Termination of leases by lessees.
- 535. Protection of assignor of life insurance policy; enforcement of storage liens; penalties.
- 536. Extension of benefits to dependents.

**ARTICLE IV—INSURANCE**

- 540. Definitions.
- 541. Persons entitled to benefits of article; applications; amount of insurance protected.

Sec.

- 542. Form of application; reports to Secretary of Veterans Affairs by insurer; policy deemed modified upon application for protection.
- 543. Determination of policies entitled to protection; notice to parties; lapse of policies for nonpayment of premiums, etc.
- 544. Rights and privileges of insured during period of protection.
- 545. Deduction of unpaid premiums upon settlement of policies maturing during protection.
- 546. Guaranty of premiums and interest by United States; settlement of amounts due upon expiration of protection; subrogation of United States; crediting debt repayments.
- 547. Regulations; finality of determinations.
- 548 to 554. Repealed or Omitted.

**ARTICLE V—TAXES AND PUBLIC LANDS**

- 560. Taxes respecting personalty, money, credits, or realty; sale of property to enforce collection; redemption of property sold; penalty for nonpayment; notice of rights to beneficiaries of section.
- 561. Rights to public lands not forfeited; grazing lands.
- 562. Homestead entries and settlement claims; service as equivalent to residence and cultivation.
- 563. Death or incapacity during or resulting from service as affecting rights; perfection of rights.
- 564. Desert-land entries; suspension of requirements.
- 565. Mining claims; requirements suspended.
- 566. Mineral permits and leases; suspension of operations and term of permits and leases.
- 567. Right to take action for perfection, defense, etc., of rights as unaffected; affidavits and proofs.
- 568. Irrigation rights; residence requirements suspended.
- 569. Distribution of information concerning benefits of article; forms.
- 570. Homestead entrymen permitted to leave entries to perform farm labor.
- 571. Land rights of persons under 21.
- 572. Extension of benefits to persons serving with war allies of United States.
- 573. Income taxes; collection deferred; interest; statute of limitations.
- 574. Residence for tax purposes.

**ARTICLE VI—ADMINISTRATIVE REMEDIES**

- 580. Transfers to take advantage of act.
- 581. Certificates of service; persons reported missing.
- 582. Revocation, etc., of interlocutory orders.
- 583. Separability.
- 584. Termination date.
- 585. Omitted.

**ARTICLE VII—FURTHER RELIEF**

- 590. Stay of enforcement of obligations, liabilities, taxes, etc.
- 591. Power of attorney.
  - (a) Extension for period person in missing status.
  - (b) Limitation on extension.
  - (c) Persons subject to coverage.
- 592. Professional liability protection for certain persons ordered to active duty in armed forces.
  - (a) Applicability.
  - (b) Suspension of coverage.
  - (c) Reinstatement of coverage.
  - (d) Increase in premium.
  - (e) Continuation of coverage of unaffected persons.